

THE EFFECT OF INCREASED ILLEGAL MEXICAN MIGRATION
UPON THE ORGANIZATION AND OPERATIONS OF THE UNITED STATES
IMMIGRATION BORDER PATROL, SOUTHWEST REGION

A Thesis
Presented to
the Faculty of the School of Public Administration
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In Partial Fulfillment
of the Requirements for the Degree
Master of Science

Richard Tait Jarnagin
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CHAPTER I

THE PROBLEM AND DEFINITIONS OF TERMS USED

In 1940, the United States Immigration Border Patrol on the Mexican-United States international boundary was composed of patrol personnel attached to and under the immediate direction of three United States Immigration Districts--Los Angeles, El Paso, San Antonio. The typical patrol units were one or two men stations strung along the border and units patrolling in automobiles or on horseback. It was their duty to guard the frontier against all types of illegal entries. The yearly number of apprehensions at that time numbered approximately 11,000.

Since World War II this illegal traffic was increased tremendously. By 1954 the number of illegal entrants apprehended reached in excess of one million persons. This volume of illegal entries had very far reaching effects upon the United States Immigration Border Patrol. While the number of patrolmen was not greatly increased compared to the number of illegal entrants, the entire administrative structure and practices were revamped. The one and two man stations were closed and these men were

placed in "task forces." The patrol was placed directly under the control of a regional chief, eliminating district control, and thus permitting unified planning and action throughout the border area. Finally, many new operating techniques were introduced. Among the more outstanding innovations were the following: (1) the airlift, (2) the buslift, (3) the trainlift, (4) the boatlift, and (5) the new air-to-ground and car-to-car radio communication system.

I. THE PROBLEM

Statement of the Problem

It was the purpose of this study to ascertain and evaluate the effect of drastically increased illegal Mexican migration to the United States upon the organization and operations of the United States Immigration Border Patrol, Southwest Region. This increase took place during the post-World War II period.

In so doing it was discovered that such a study would not only reveal the necessity of achieving harmony between policy and administration for purposes of efficiency and effectiveness, but would present a case study illustrating the impossibility of administration fulfilling its responsibilities in an instance where no clear-cut policy formulation had been made by the body, i.e.

the Congress of the United States, so empowered.

Indeed, this study provides a clear example where, upon investigation, a supposedly administrative problem of poor enforcement is found to be actually a reflection of a lack of policy determination upon the part of a body superior to and responsible for the United States government agency under review. However, operating within this framework of faulty policy formulation, the agency under review did experience organizational and operational changes of the utmost importance. Therefore, these adjustments to the drastically increased illegal Mexican migration to the United States are recorded and analyzed for the purpose of ascertaining the full extent of their scope and of their importance to future organizational and operational procedures of the United States Immigration Border Patrol.

Importance of the Study

The United States Immigration Border Patrol, like any government agency with a popular following and doing work of direct interest to various groups, is sensitive to the political configuration of a given time. While the "wetback" influx was kept within reasonable bounds the United States Immigration Border Patrol continued with the same organization and operations that it had in years past, serving in general the dominant political power in the area

--the farmer organizations. When in the latter 1940's and early 1950's the tide of migration reached such a magnitude that it necessitated immediate attention, a complete reorganization of the United States Immigration Border Patrol was brought to fruition through the efforts of various interest groups who represented segments of the public greatly affected by this increase in numbers of illegal migrants. Labor, border towns burdened by excessive demands upon their public services, groups and individuals dominated by the fear of subversives entering the United States through the Mexican-United States border, and the Mexican-Americans of the Southwest region of the United States as a whole struggling under the social and economic ramifications of this influx--all played a part in bringing this administrative change into being. The "Wetback" problem is definitely a regional problem of first importance to the Southwest and today certainly has taken on national implications, for instance, possible illegal immigration of subversives across the United States-Mexican border and Mexican-United States relations in general.

A study of the organization and operations of the United States Immigration Border Patrol clearly reflects these political changes as they affected the policy determining agency itself--the Congress of the United States. The result of this broader based lobbying pressure being

brought to bear at Washington was the demand that the Mexican border be secured. Within one year 1954-1955 the Mexican border was secured, the inference being that the United States Immigration Border Patrol was certainly equipped to secure the Mexican border after 1941 before the wetback invasion began to reach large proportions but failed to do so until 1955. The reason for this delay was political, not administrative. Therefore, a study of the organization and operations of the United States Immigration Border Patrol is important if for no other reason than to pinpoint the responsibility for the development of a "wetback" problem and the corresponding failure to meet that problem within a reasonable time after it had been allowed to originate.

II. DEFINITIONS OF TERMS USED

Mexican Contract Agricultural Labor Importation Program

This is the program sponsored and controlled by the governments of the United States and Mexico whereby Mexican contract laborers are brought to the United States to do agricultural work.

Immigrant

An immigrant is an alien admitted for permanent residence, excluding returning residents.

Migrant

A migrant is a person whose chief income is derived from temporary employment (in this thesis farm work) and who in the course of a year moves several times.

"Wetback"

A "wetback" is a Mexican national who illegally wades or swims across the Rio Grande river or just crosses over a momentarily unguarded section of the Southwest border into the United States.

III. LIMITATION OF THE STUDY

Scope of the Study

(1) This study was not concerned with United States immigration policy per se nor primarily with the process of policy-determination relative to the problem of enforcement itself, but with the problem of enforcement as indicated through the study of the organization and operations of one branch of the United States Immigration and Naturalization Service--the United States Immigration Border Patrol. (2) The "Wetback" problem was discussed only as a causal factor in the reorganization of the United States Immigration Border Patrol. Its political, economic, social, and cultural implications are not within the purview of this study. (3) This thesis was concerned only with illegal

Mexican migration to the United States. Thus, the legal immigrants and the agricultural workers who have been brought to the United States under the contract labor importation program were excluded from detailed consideration.

Organization of the Study

The remaining parts of this study are organized in the following manner. Chapter II describes the early history, the pre-World War II organization, and the pre-World War II operations of the United States Immigration Border Patrol between 1924 and 1942. This is the period immediately prior to the massive influx of illegal Mexican migration to the United States. Chapter III discusses the "Wetback" problem as the causal factor necessitating the overall administrative reorganization of the United States Immigration Border Patrol and the "modernizing" of its operations. Chapter IV describes the organizational and operational changes brought about by the efforts of the United States Immigration Border Patrol to adjust to the changing Mexican border circumstances during the period 1943 to 1956. This chapter also includes a discussion of the Mexican contract agricultural labor importation program as a contributing factor in the securing of the Mexican border. Chapter V presents a summary and conclusions.

IV. REVIEW OF THE LITERATURE

Review of Previous Related Studies

To date there has been no study completed which deals exclusively with the organization and operations of the United States Immigration Border Patrol, 1924-1956. For that matter, one of the two studies known to exist dealing with the United States Immigration and Naturalization Service, which is the parent organization for the Immigration Border Patrol, is an unpublished Master's thesis written in 1936 by Mr. Henry S. Kwok¹ here at the University of Southern California. However, besides the fact that this study is dated, Mr. Kwok did not deal with the United States Immigration Border Patrol to any great extent. In addition, there had hardly been time for any review of substance concerning the United States Immigration Border Patrol as early as 1936 since the United States Immigration Border Patrol organization had been functioning for just over one decade--since May 28, 1924, to be exact. In 1940, the Secretary of Labor's Committee on Administrative Procedure published a pamphlet entitled

¹ Henry S. Kwok, "A Study of the Organization, Administration, and Functions of the United States Immigration and Naturalization Service" (unpublished Master's Thesis, The University of Southern California, Los Angeles, 1936), 79 pp.

The Immigration and Naturalization Service.² However, this publication, although covering the pre-World War II period, did not contain any adequate review of the organization and operations of the United States Immigration Border Patrol, per se.

The only study dealing with early administrative history is Smith, Darrell H. and H. Guy Herring, The Bureau of Immigration, Its History, Activities, and Organization.³ However, such information as is contained here is useful only as background material as this study was published in 1924.

For an extensive review of the alien contract labor agreements entered into by the governments of Mexico and the United States and of their administration see the unpublished Master's thesis by Mr. John Carney.⁴ This study gives the legal background of the Mexican contract agricultural labor importation program which today has

²Secretary of Labor's Committee on Administrative Procedure, The Immigration and Naturalization Service (Washington: Government Printing Office, 1940), 159 pp.

³Darrell H. Smith and H. Guy Herring, The Bureau of Immigration: Its History, Activities and Organization (Baltimore: The Johns Hopkins Press, 1924), 247 pp.

⁴John P. Carney, "Leading Factors in the Recent Reversal of U. S. Policy Regarding Alien Contract Labor Agreements, 1942-1952," (unpublished Master's thesis, The University of Southern California, Los Angeles, 1954), 160 pp.

assumed the position of being one of the important contributing factors in the securing of the Mexican border. Therefore an up-to-date discussion of this program and its importance to the operations of the United States Immigration Border Patrol is accorded a sizeable amount of space in the present thesis.

Of course, there are numerous secondary source materials dealing with immigration per se. Only those studies dealing in any degree with United States-Mexican immigration have been utilized for purposes of background material.

Therefore, in actuality, there is only one excellent study, in terms of pertinency to the subject of the present thesis, which is available. That study is Saunders, Lyle and Olen E. Leonard, The Wetback in the Lower Rio Grande Valley of Texas.⁵ United States Immigration Border Patrol records in that area were made available to Saunders and Leonard which, as far as the present author is aware, has not been done before or since. Therefore, as a primary source such a study is invaluable. Also, Saunders and Leonard utilized the interview method in obtaining the viewpoint of the Mexican wetback which is unavailable anywhere else. However, since this study is basically a sociological

⁵Lyle Saunders and Olen E. Leonard, The Wetback in the Lower Rio Grande Valley of Texas (Austin: The University of Texas, 1951), 92 pp.

study, the pertinent information gained was of necessity very limited. But such information as was incorporated into the present thesis was important and not available elsewhere.

Thus it is apparent by now that the present author has had to concern himself primarily with primary sources, such as special reports, Congressional hearings, annual reports, and certain government agency publications, for the great bulk of the material needed in completing the study under consideration.

Methodology of the Study

The primary sources upon which the great bulk of this thesis had to rely were as follows: (1) the separate annual reports of the Commissioner General of Immigration to the Secretary of Labor for the fiscal years 1924-1932, (2) the incorporated annual reports of the Commissioner of Immigration found in the annual report of the Secretary of Labor for the fiscal years 1933-1940, (3) the separate annual report of the Immigration and Naturalization Service for the fiscal years 1944-1955; no separate annual reports were printed for the fiscal years 1941 through 1943, (4) the annual report of the Attorney General of the United States for the fiscal years 1940-1955; however, the annual report for fiscal year 1945 was never printed, (5) Appropriation Hearings for the Department of Labor for the years

1936 through 1941, (6) Appropriation Hearings for the Department of Justice for the years 1942 through 1957, (7) the Immigration and Naturalization Service Monthly Review from its inception in July, 1943 through June, 1952 and the I & N Reporter from July, 1952 to the present, July, 1956; these two publications are the official bulletin of the Immigration and Naturalization Service for the period of time so indicated, and (8) additional special reports and government agency publications as indicated in the bibliography.

All primary source materials, except the separate annual report of the Immigration and Naturalization Service for the fiscal years 1944 through 1955 which were located at the Los Angeles District Office of the Immigration and Naturalization Service, Rowan Building, Fifth and Spring Streets, were located in the Library of the University of Southern California. Of course, other libraries were consulted for purposes of gaining any additional leads, such as: The Library of the University of California at Los Angeles, the Los Angeles Public Library, the Los Angeles County Law Library, and the Long Beach Public Library. These latter libraries, however, furnished mainly background material and were not of too much additional assistance with respect to the actual organization and operations of the United States Immigration Border Patrol.

All standard reference guides, such as the Public

Affairs Information Service Guide, the International Index, the Industrial Arts Index, the Educational Index, Library Catalogues, the New York Times Index, the Readers' Guide, and the Index to Legal Periodicals, were consulted.

However, the periodical articles reported were, for the most part, very general in their approach and were not productive of a great deal of new information.

Finally, important information and direction was obtained from Mr. Robert J. Seitz, Information Officer, Central Office, Immigration and Naturalization Service, Washington, D.C., and from personal interviews with the three following officials: (1) Mr. Donald R. Coppoch, Regional Chief of the Border Patrol, Southwest Region of the United States, (2) Mr. Walter R. Hayfield, Jr., Chief of Air Operations and Training, United States Border Patrol, Southwest Region, and (3) Mr. William Howell, United States Immigration Inspector, Subversive Investigation Division, District 16, Los Angeles, California.

CHAPTER II

ORGANIZATION AND OPERATIONS OF THE IMMIGRATION BORDER PATROL, SOUTHWEST REGION, 1924-1942

I. EARLY HISTORY

For over one hundred years after the adoption of the Constitution, control of immigration was unorganized, and attention to the problem was intermittent so far as the national government was concerned.¹ Congress acted with regard to the naturalization of aliens as early as 1790, but immigration, as such, did not receive attention until many years later. The first legislation of importance so far as administration was concerned came on July 4, 1864,²

The act provided for the appointment by the President of a Commissioner of Immigration to be under the direction of the Department of State, made the term of office of such commissioner four years, and authorized the employment of three clerks. A United States Emigrant Office was also

¹For a survey of the history of congressional action with regard to administrative organization concerning Federal supervision of immigration for the years 1790-1917 see Darrell H. Smith and H. Guy Herring, The Bureau of Immigration; Its History, Activities and Organization (Baltimore: The Johns Hopkins Press, 1924), pp. 1-33.

²13 STAT. 385.

established in New York, and a Superintendent of Immigration appointed, with power to employ one clerk.³

This constituted the first attempt to establish a central organ of control for immigration.⁴

The first general immigration law of August 3, 1882,⁵ vested responsibility for its administration in the Secretary of the Treasury, but actual enforcement was entrusted to State boards or officers designated by the Secretary.⁶

The Immigration and Naturalization Service really had its beginning on March 3, 1891,⁷ when Congress created the office of Superintendent of Immigration in the Treasury Department, under the control and supervision of the Secretary. The Bureau of Immigration was established in the Treasury Department on July 12, 1891, and from this developed the present organization. Twenty-four border inspection stations were established; two on the Mexican

³Smith and Herring, op. cit., p. 3.

⁴Loc. cit.

⁵22 STAT. 214.

⁶United States Congress, Senate, Report of the Committee on the Judiciary pursuant to S. Res. 137, The Immigration and Naturalization Systems of the United States (81st Cong., 2nd Sess. Washington: Government Printing Office, 1950), p. 290.

⁷26 STAT. 1084, 1085.

border in 1894.⁸ The legislative, executive, and judicial act of March 2, 1895, provided that the title Superintendent of Immigration be changed to that of Commissioner General of Immigration, and that this officer, in addition to his other duties, be charged with the administration of the contract-labor laws.⁹ Local organization was still in an unsatisfactory condition, however, as indicated by the report of the Commissioner General of Immigration in 1897, wherein he pleaded for a separation of the customs and immigration work. Local officers were performing both duties.¹⁰

In February 1903, Congress authorized the transfer of immigration functions from the Secretary of the Treasury to the Secretary of Commerce and Labor.¹¹ The act of June 29, 1906,¹² provided for the Federal supervision of naturalization and established the Bureau of Immigration and Naturalization. On March 4, 1913,¹³ the consolidated Bureau was transferred to the new Department of Labor and divided into two Bureaus, the Bureau of Immigration and the

⁸Smith and Herring, op. cit., p. 7.

⁹28 STAT. 764, 780.

¹⁰Smith and Herring, op. cit., p. 9.

¹¹32 STAT. 825, 826.

¹²34 STAT. 596.

¹³37 STAT. 736.

Bureau of Naturalization, with a Commissioner General of Immigration and a Commissioner of Naturalization at their heads. These Bureaus were placed under the immediate direction of the Secretary of Labor. They continued to function until June 10, 1933, when the President acting pursuant to congressional authority, directed that the Bureau of Immigration and the Bureau of Naturalization of the Department of Labor be consolidated as an Immigration and Naturalization Service of that Department, the head of which should be known as the Commissioner of Immigration and Naturalization.¹⁴ From 1933 until June 14, 1940, the consolidated Service functioned under the direction of the Secretary of Labor.

On May 22, 1940, acting pursuant to the provisions of the Reorganization Act of April 3, 1939,¹⁵ the President submitted to Congress Reorganization Plan No. V, to transfer the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. The plan was approved and, effective June 14, 1940,¹⁶ the Office of the Commissioner and all functions and powers theretofore exercised by the Secretary of Labor relating to the

¹⁴Executive Order 6166.

¹⁵53 STAT. 561.

¹⁶54 STAT. 230.

immigration and naturalization laws were transferred to the Attorney General. The Service has since functioned as a part of the Department of Justice under the direction of the Attorney General.¹⁷

Origin of the Immigration Border Patrol

Prior to the establishment of the Immigration Border Patrol in 1924, the situation then existing was likened "to a series of locked doors with no connecting walls between them."¹⁸ The efforts of the immigrant inspectors at ports of entry would largely be nullified without an effective border patrol to supplement their activities. In former years it was possible in a good many instances for inspectors of the Immigration Service to devote more or less time to the prevention of smuggling, but the large increase in the number of aliens applying for legal admission on both the Canadian and Mexican borders "during more recent years

¹⁷L. Paul Winings, "Laws and Service History," I & N Reporter 4:50, April, 1956.

¹⁸United States Department of Labor, Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1938 (Washington: Government Printing Office, 1938), p. 104. Hereinafter referred to as annual Report of the Secretary of Labor for the year concerned.

has required the undivided attention of such officers."¹⁹
In other words, a separate Immigration Border Patrol was needed by 1924.

Especially was this true on the Mexican border. As far back as 1904, mounted inspectors patrolled the Mexican border in an effort to check the smuggling of Orientals into the United States. This force of officers, later known as mounted watchmen and eventually as mounted guards, never numbered over 75 nor less than 60 men. It constituted a small and widely scattered force.²⁰

The need for better control of our land borders was recognized by the Congress on May 28, 1924, when an Act providing for the establishment of a land Border Patrol was passed. The Immigration Service Border Patrol came into existence by virtue of authority contained in the appropriations act of May 28, 1924, reading: "Provided, That at least \$1,000,000 of this amount shall be expended for additional land border patrol of which \$100,000 shall be immediately available."²¹ In 1925 the activities of the

¹⁹United States Department of Labor, Annual Report of the Commissioner General of Immigration to the Secretary of Labor for the Fiscal Year Ended June 30, 1924 (Washington: Government Printing Office, 1924), p. 23. Hereinafter referred to as annual Report of the Commissioner General for the year concerned.

²⁰Loc. cit.

²¹43 STAT. 240.

Border Patrol were, by the terms of the appropriation act, extended "to embrace the seaboard in addition to the land borders."²²

Purpose of the Immigration Border Patrol

The purpose of the Immigration Border Patrol is three-fold: (1) to prevent the illegal entry of aliens, not only those seeking entry for the first time but those who have been previously excluded or deported,²³ (2) to insure the enforced departure of aliens illegally here,²⁴ and (3) to seize contraband of any and all kinds being brought into the United States in violation of Federal laws and hold the guilty persons.²⁵

Authority Under the Law to Act

The Appropriations Act of February 27, 1925, stated:

Provided further, That hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary

²²Annual Report of the Commissioner General for 1927, p. 16.

²³Annual Report of the Commissioner General for 1930, p. 35.

²⁴Annual Report of the Attorney General for 1941, p. 223.

²⁵Annual Report of the Commissioner General for 1930, p. 35.

of Labor, shall have power without warrant (1) to arrest any alien who, in his presence or view, is entering or attempting to enter the United States in violation of any law, or regulations made in pursuance of law, regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States, and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens.²⁶

It should be borne in mind that it was and is physically impossible in some places to reach the actual border by motor or other equipment, so that aliens so entering could only be apprehended by intercepting them at some distance therefrom or by continued pursuit.²⁷ Therefore, the expression "entering the United States" was not given a narrow construction. In the case of *Lew Moy v The United States*, it was held in effect that "an alien is in the act of entering the United States until he reaches his interior destination."²⁸

There was no Federal law specially authorizing

²⁶43 STAT. 1049.

²⁷Annual Report of the Commissioner General for 1931, p. 60.

²⁸237 Fed. 50.

immigration patrol inspectors to make other seizures and arrests. In so doing, they act under the generally recognized common law rights applicable to local peace officers and citizens alike. Those rights, so far as applicable to immigration patrol inspectors, may be summarized as follows:

(1) To take the necessary steps to prevent the commission of a felony;

(2) To arrest without a warrant persons who commit or attempt to commit a felony (or for that matter a breach of peace) in their presence, or whom the officers have reasonable grounds to believe have committed a felony.²⁹

Finally with regard to the authority to insure the enforced departure of aliens illegally here Section 23 of the Immigration Act of 1917, as amended by the Act of May 14, 1937, provides for:

. . . the removal of indigent aliens to their native lands at Government expense at any time after entry: Provided, however, That any person thus removed shall be inadmissible forever for readmission to this country except upon approval of the Secretary of State and the Attorney General.³⁰

The Immigration Border patrolmen suffered the handicap of being compelled to wait until they were fired upon before firing. They were required to announce themselves as Government officers in challenging the smugglers

²⁹Annual Report of the Commissioner General for 1930, p. 36.

³⁰50 STAT. 164.

and could not shoot first upon the assumption that they would be fired upon. This was one of the most difficult and trying problems incident to their work.³¹ Finally the rule was established which gave the Border patrolmen more protection yet still kept their authority to act regulated for the public interest. The rule provided that an Immigration Border patrolman could "shoot only in defense of self or of a brother officer or of another person (not engaged in violating the law) whose life is imperiled."³²

II. PRE-WORLD WAR II ORGANIZATION

Organizational Plan

In deciding upon a plan of organization it was believed that the best results could be accomplished by dividing each of the immigration border districts into several patrol districts and placing in charge of each unit an immigration officer of wide experience in border work, the entire patrol force in each district operating under the general supervision of the respective district heads.

³¹Annual Report of the Commissioner General for 1925, p. 19.

³²Annual Report of the Commissioner General for 1930, p. 39.

This plan was put into operation in 1925.³³

Each frontier immigration district was a border patrol district, of which there were 11 in all, with headquarters respectively at Seattle, Spokane, Grand Forks, Detroit, Buffalo, Montreal, Jacksonville, New Orleans, San Antonio, El Paso, and Los Angeles.³⁴ By 1930 there were 7 major patrol districts on the North and 5 on the South, each under the general supervision of a district director of immigration or commissioner of immigration, assisted by an assistant superintendent of patrol. Each of these major districts was divided into such number of subdistricts, each under the direction of a chief patrol inspector, as the area of the major district and the physical characteristics and patrol problems rendered necessary.³⁵

Shortly after the first of the calendar year 1932, in order to obtain a greater degree of coordination and uniformity of practice and a concentration of supervision, the forces on each border were placed under the immediate control of one officer, who had the title of director. As

³³Annual Report of the Commissioner General for 1925, p. 15.

³⁴Annual Report of the Commissioner General for 1927, p. 17.

³⁵Annual Report of the Commissioner General for 1930, p. 35.

the border patrol force was essentially a mobile but cohesive organization, the single authority decided upon produced even better results than had been attained heretofore. The director gave his undivided attention and supervision to the tasks of this organization, which the district head could not usually do because of his other and varied duties. There was, of course, retained and maintained that close cooperation between the patrol force and the Immigration Service proper which had been evidenced since the inception of the newer organization, and which was absolutely essential, as one service was the complement of the other. The headquarters of the Mexican border service was at El Paso.³⁶

On June 1, 1933, the Immigration Border Patrol reverted to its former plan of organization under which the patrol on each border immigration district was placed under control of the respective district administrative heads, discontinuing the centralization of authority.³⁷ This was a result of the consolidation that took place on March 4, 1933. Prior to that time, the Immigration Service was a separate service and so was the Naturalization

³⁶Annual Report of the Commissioner General for 1932, p. 43.

³⁷Annual Report of the Secretary of Labor for 1933, p. 60.

Service. Under an act of Congress the two Services were consolidated.³⁸ By 1940 there were six major patrol districts on the Canadian border; three on the Mexican border, and one covering the Florida and Gulf coast.³⁹

An important event took place in 1940 with the transfer of the Immigration and Naturalization Service from the Department of Labor to the Department of Justice by a reorganization plan promulgated by the President under the Reorganization Act of April 3, 1939. This transfer took place as of June 14, 1940. A Special Assistant to the Attorney General was placed in charge of the Service.⁴⁰ In 1941 the position Chief Supervisor of Border Patrol in the central office was created.⁴¹ At this time the Border Patrol is one of four main branches constituting the Service; the other three are Immigration, Naturalization

³⁸United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1941 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), p. 201.

³⁹Ibid., p. 214.

⁴⁰United States Department of Justice, Annual Report of the Attorney-General of the United States for the Fiscal Year Ended June 30, 1940 (Washington: Government Printing Office, 1940), p. 3. Hereinafter referred to as Annual Report of the Attorney General for the year concerned.

⁴¹Annual Report of the Attorney General for 1941, p. 226.

and Alien Registration.⁴² Sixteen new immigration and naturalization districts were established in 1943--a reduction of four from the previous twenty. The Mexican border continued to consist of three districts: Los Angeles, El Paso, and San Antonio.⁴³

Authorized Immigration Border Patrol Force⁴⁴

The appropriation act of 1924 provided for a total Immigration Border Patrol force of 472 men.⁴⁵ These men were given the title of patrol inspector.⁴⁶ Under the law immigrant inspectors alone were authorized to pass upon the admissibility of aliens, and by having available in each patrol district an immigrant inspector as officer in charge, matters pertaining to both branches of the service were readily disposed of instead of referring aliens apprehended by the patrol inspectors to points great distances removed

⁴²Annual Report of the Attorney General for 1940, p. 200.

⁴³"The Sixteen New Immigration and Naturalization Districts," Immigration and Naturalization Service Monthly Review, 1:8-9, October, 1943.

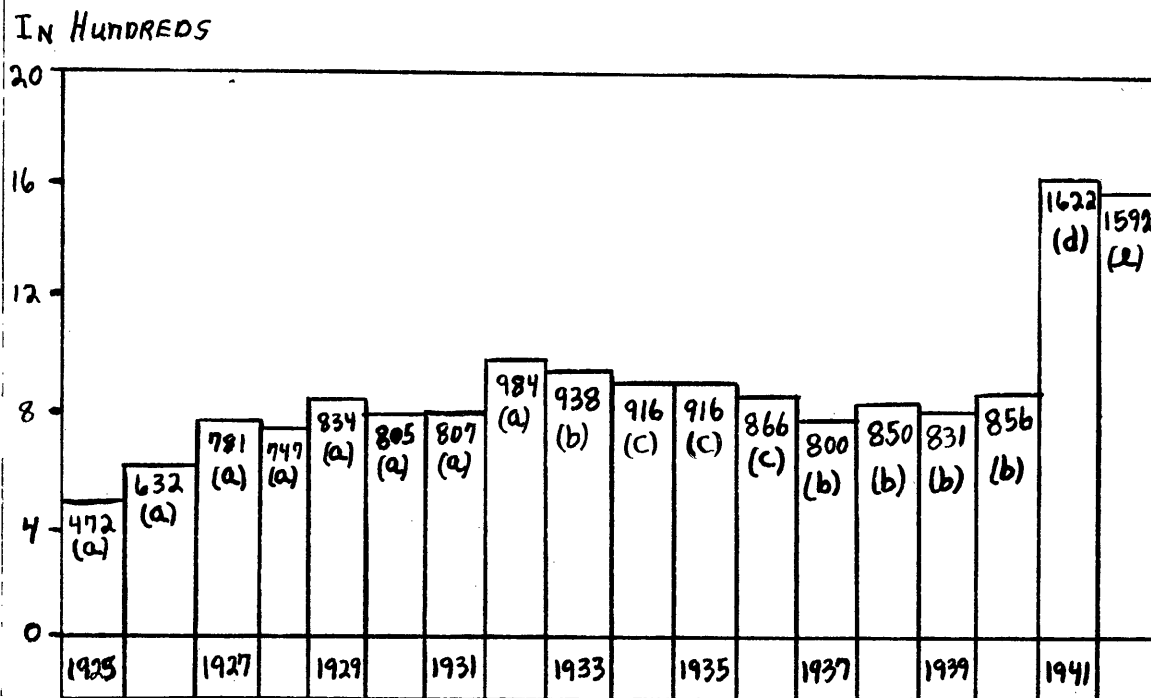
⁴⁴See Figure 1, Authorized Immigration Border Patrol Force for the Fiscal Years, 1925-1942 on page 28.

⁴⁵Annual Report of the Commissioner General for 1927, p. 16.

⁴⁶Annual Report of the Commissioner General for 1924, p. 21.

FIGURE 1

AUTHORIZED IMMIGRATION BORDER PATROL FORCE
FOR THE FISCAL YEARS, 1925-1942



(a) United States Department of Labor, Annual Report of the Commissioner General of Immigration to the Secretary of Labor for the Fiscal Years, 1924-1932 (Washington: Government Printing Office, 1924-32).

(b) United States Department of Labor, Annual Report of the Secretary of Labor for the Fiscal Years, 1933, 1937-1940 (Washington: Government Printing Office, 1934, 1937-40).

(c) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1940 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), p. 203.

(d) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1942 (77th Cong., 1st Sess. Washington: Government Printing Office, 1942), p. 236.

(e) Figure provided by Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

for disposition of their cases.⁴⁷ However, some of the vulnerable points on the border which required a 24-hour service were being protected only by a sufficient number of men to give an 8-hour service, while other points were left practically uncovered.⁴⁸ Therefore, in terms of the large border area to be guarded, the Immigration Border Patrol was seriously understaffed from its inception.

As early as fiscal year 1926 the Commissioner General estimated that a force of at least 1,000 men was needed to protect the border adequately.⁴⁹ Due to the passage of the appropriation act of 1925 which provided for the extension of the activities of the Immigration Border Patrol to embrace the seaboard in addition to the land borders, the Immigration Border Patrol personnel was expanded to maximum strength of 632 employees.⁵⁰ By the fiscal year 1927 the personnel was increased to 781 men, consisting of 1 supervisor, 4 assistant superintendents, 30 chief patrol inspectors, 170 senior patrol inspectors,

⁴⁷Annual Report of the Commissioner General for 1925, p. 15.

⁴⁸Ibid., p. 17.

⁴⁹Annual Report of the Commissioner General for 1926, p. 17.

⁵⁰Annual Report of the Commissioner General for 1927, p. 16.

537 patrol inspectors, 24 clerks, 13 motor mechanics, and 2 laborers.⁵¹ The number of personnel increased slowly until the fiscal year 1931 when the argument that an increase in numbers would allow more intensive supervision of the borders by the creation of new subdistricts, thereby shortening the distances details had to cover, persuaded Congress to act.⁵² The appropriation act of 1932 increased the Immigration Border Patrol personnel from 807 to a new high of 984.⁵³ During the next eight fiscal years, however, the authorized Immigration Border Patrol force steadily decreased with the average force for these fiscal years numbering between 800 and 938.⁵⁴ Furthermore, there was an additional handicap imposed by the fact that officers had to be detailed from the already too small patrol force to act as immigrant inspectors at ports of entry during the pre-World War II period (1938-1940).⁵⁵

Because of world conditions during the latter

⁵¹Loc. cit.

⁵²Annual Report of the Commissioner General for 1931, p. 59.

⁵³Annual Report of the Commissioner General for 1932, p. 44.

⁵⁴See Figure 1, Authorized Immigration Border Patrol Force for the Fiscal Years, 1925-1942 on page 28.

⁵⁵Annual Report of the Secretary of Labor for 1939, p. 99.

months of the fiscal year the Congress acted on June 27, 1940, in its Second Deficiency Appropriations Act, by providing for the addition of 712 patrol officers and 54 other employees to the Immigration Border Patrol force.⁵⁶ This brought the total force of the Immigration Border Patrol to 1,622 men, with 828 of these men assigned to the Mexican border.⁵⁷ This constituted the highpoint in the history of the Service, except for fiscal year 1943, concerning the number of authorized Immigration Border patrolmen.⁵⁸ In effect the Immigration Border Patrol was almost doubled in size. However, once again a new factor arose detracting from the opportunity to achieve full effectiveness in the securing of the border. This problem may be stated as follows:

Because of the difficulties of deportation in many cases due to the war abroad and the lack of transportation facilities, a number of aliens ordered deported were in the custody of the Service awaiting the completion of arrangements to effect their deportation. They overtaxed the detention facilities at regular immigration stations and it became

⁵⁶Annual Report of the Secretary of Labor for 1940, p. 111.

⁵⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1942 (77th Cong., 1st Sess. Washington: Government Printing Office, 1941), p. 326.

⁵⁸See Figure 12, Authorized Immigration Border Patrol Force for the Fiscal Years 1943-1957 on page 90.

necessary to establish detention camps. They were placed under the supervision of the Border Patrol, and camps were established. At the close of the year approximately 1800 aliens were being detained in these camps. The supervision and administration of these camps, together with the guarding of the detained aliens, has occupied the entire time of approximately 85 patrol officers. Preparations were made to expand the facilities of these camps to accommodate approximately 5,000 persons in the event that it should become necessary.⁵⁹

Nevertheless, in the fiscal year 1941 the Immigration Border Patrol was staffed with its greatest number of personnel with which to do its job. This was true even though old problems would increase in complexity and new obligations would be thrust upon The Border Patrol due to the war effort. ✓

Budget Appropriations for the Immigration Border Patrol⁶⁰

Budget appropriations rose from \$1,000,000 in fiscal year 1925 steadily every year until the highpoint in the pre-World War II period, except for fiscal years 1941 and 1942, was reached in fiscal year 1932 when appropriations totaled \$2,193,800. In fiscal year 1933 a drop occurred when the amount of \$1,601,912 was appropriated. Then once again the appropriations rose gradually almost

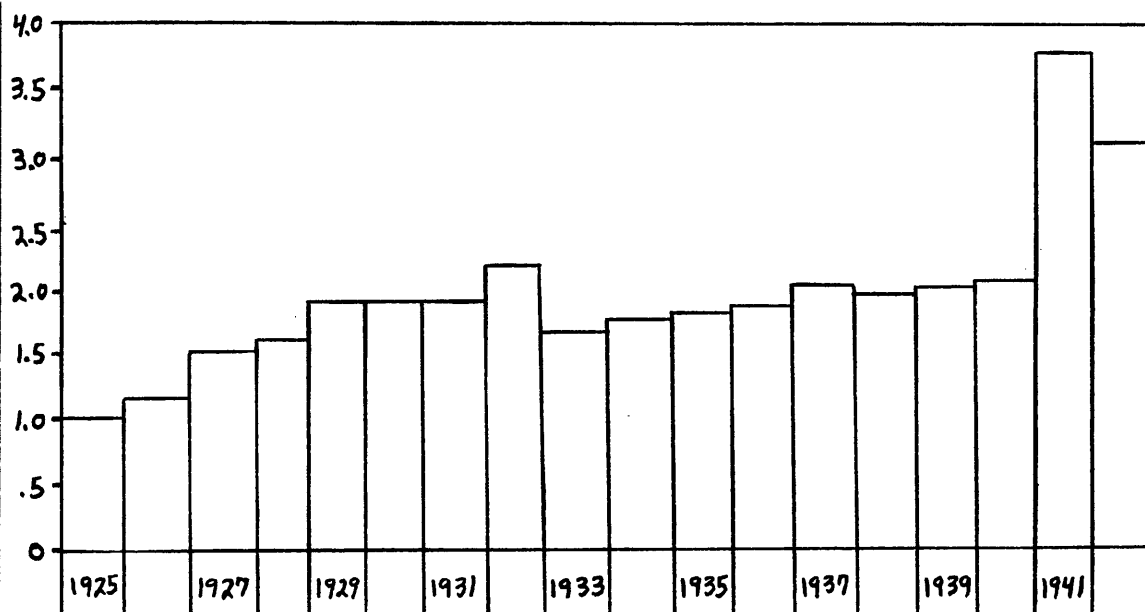
⁵⁹Annual Report of the Attorney General for 1941, p. 236.

⁶⁰See Figure 2, Budget Appropriations for the Immigration Border Patrol for the Fiscal Years, 1925-1942 on page 33.

FIGURE 2

BUDGET APPROPRIATIONS FOR THE IMMIGRATION BORDER
PATROL FOR THE FISCAL YEARS, 1925-1942

In Millions



1925 - \$1,000,000	1931 - \$1,868,440	1937 - \$1,974,910
1926 - \$1,150,000	1932 - \$2,193,800	1938 - \$1,941,679
1927 - \$1,500,000	1933 - \$1,601,912	1939 - \$1,959,883
1928 - \$1,600,000	1934 - \$1,618,868	1940 - \$1,972,114
1929 - \$1,868,440	1935 - \$1,733,675	1941 - \$3,883,400
1930 - \$1,868,440	1936 - \$1,807,518	1942 - \$3,071,963

Source, 1925-1932: United States Department of Labor, Annual Report of the Commissioner General of Immigration to the Secretary of Labor for the Fiscal Year Ended June 30, 1925-1932 (Washington: Government Printing Office, 1925-1932).

Source, 1933-1941: Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

Source, 1942: United States Bureau of the Budget, The Budget of the United States Government for the Fiscal Year Ending June 30, 1942 (Washington: Government Printing Office, 1941).

every year until the highpoint in the pre-World War II period was reached with a sudden increase in fiscal year 1941 to the amount of \$3,883,400. There was a slight decrease in fiscal year 1942; however, the minimum appropriation standard was established by the 1941 fiscal year appropriation, for never again would United States Border Patrol appropriations total less than \$3,800,000.⁶¹

III. PRE-WORLD WAR II OPERATIONS

United States Immigration Policy

In the early twenties Congress placed both qualitative and quantitative restrictions upon immigration to the United States. Under the act of May, 1921, the quota area was limited to Europe, the Near East, Africa, and Australasia. The countries of North and South America, with adjacent islands, and countries immigration from which was otherwise regulated, such as China, Japan, and countries within the Asiatic barred zone, were not within the scope of the quota law.⁶² However, the law of 1924 required an immigration visa in the cases of Mexican immigrants, and a majority of the Mexican laborers coming to

⁶¹See Figure 13, Budget Appropriations for the Immigration Border Patrol for the Fiscal Years, 1943-1957 on page 94.

⁶²Annual Report of the Commissioner General for 1924, p. 24.

this country were classed as non-quota immigrants. This ten dollar immigration visa, added to the eight dollar head tax, undoubtedly caused many Mexicans to attempt what they thought was the "cheaper" way to the United States, viz, the route of the contraband.⁶³ Under the quota limit act of 1924 the number of each nationality who could be admitted annually was limited to two per cent of the population of such nationality resident in the United States according to the census of 1890.⁶⁴ This of course had a similar effect upon any Mexican desirous of entering the United States in terms of making illegal entry more attractive.

The effect of this policy was two-fold. First, having cut down on the number of aliens who could enter this country, this policy greatly stimulated the heretofore steady flow of European aliens to Mexico with the ultimate object of smuggling into the United States.⁶⁵ Second, this policy rendered the machine built for the apprehension of Chinese and Japanese inadequate for the prevention of the entry of others. The Chinese exclusion laws had made smuggling of aliens a profitable business.⁶⁶ Owing to the

⁶³Ibid., p. 16.

⁶⁴Ibid., p. 24.

⁶⁵Annual Report of the Commissioner General for 1925, p. 20.

⁶⁶Annual Report of the Immigration and Naturalization Service for 1949, p. 33.

abundance of labor afforded Chinese and Japanese in Mexico during the year of 1924 little or no smuggling of these races occurred. Therefore the smugglers shifted to the newly created source.⁶⁷

The United States-Mexican Border

The land boundary afforded in itself no great obstacle to the easy entrance of aliens bent on circumventing the immigration laws of the United States. And many of them had expert advice or assistance in attempting illegal entry, if they could pay for it.⁶⁸ As the Immigration Border Patrol has always known,

. . . the many miles of winding river afford ample opportunities for aliens to cross almost at will. Only in rare instances is it possible to apprehend aliens as they cross the river. This could not be accomplished unless there were a man for every hundred yards of river front, and this would require an army.⁶⁹

However, it is desirable that every apprehension by a border patrol officer should be made at the border at the time and place the offense is committed. Otherwise, certain additional problems arise.

⁶⁷Annual Report of the Commissioner General for 1924, p. 20.

⁶⁸Annual Report of the Commissioner General for 1932, p. 44.

⁶⁹Annual Report of the Commissioner General for 1924, p. 16.

There are involved potentialities for international difficulties, delicate matters of pursuit, search, seizure, interrogation, detention, and arrest. On the other hand, the farther from the international border the pursuit takes an officer, the more complicated become the legal entanglements in which he is likely to become enmeshed.⁷⁰

Traffic Checking

Regardless of the intentions of the Immigration Border Patrol, it is apparent that it was not hard for aliens to cross the international boundary line. However, the difficulty was in getting away from the border towns on the American side, "as the aliens must do sooner or later, since those places have little or no employment to offer them."⁷¹ From the experience gained in the first few years of its operation, the Immigration Border Patrol determined that one of the most effective methods of controlling illegal entries into the United States was the establishment of patrol units at strategic points on important rail and highway routes leading from the border into the interior of the country. The purpose was to inspect traffic over such routes and to apprehend aliens who had entered illegally and the alien smugglers.⁷²

⁷¹Annual Report of the Commissioner General for 1930, p. 40.

⁷²Annual Report of the Commissioner General for 1924, p. 19.

In this desert country overland travel must follow certain well-defined routes, so that water, provisions, and gasoline may be procured, and it has been found that the best results in the matter of apprehending aliens after they effect illegal entry are obtained by stationing immigration officers at certain strategic points which must be passed by the aliens travelling overland.⁷³

Therefore, the operational technique known as traffic checking was developed.

Although traffic checking was the major operational technique used by the Border Patrol during the pre-World War II period, it did not escape certain definite checks being placed upon its use nor for that matter did it receive constant use.

Patrol officers are told that the promiscuous checking of traffic on the public highways at points removed from the border is not permissible and may lead to serious consequences; that vehicles should not be stopped on the public highways unless the officers know or have good reason to believe, as distinguished from mere suspicion, that contraband aliens or other contraband is being transported thereby or that they are otherwise being used to violate the law. When officers have advance information as to such unlawful use of an automobile, but because of darkness or other reasons it is difficult to identify the particular car while in motion, they are instructed to exercise ingenuity instead of attempting to hold up traffic generally. For example, one officer will station himself at a spot on the highway where there is illumination and, upon identifying the car under suspicion, signal officers ahead by flashlight or telephone. The officers take position

⁷²Annual Report of the Secretary of Labor for 1940, p. 10.

⁷³Annual Report of the Commissioner General for 1924, p. 19.

at points where in the nature of things drivers of cars find it necessary to stop or to check their speed.⁷⁴

In 1931 the practice of stopping automobiles for inspection purposes at places removed from the international boundaries was ordered discontinued. It was found that as a result, in the Los Angeles district, where this method of operation had been most effectively used against smugglers, many smugglers were succeeding in getting through with aliens they had assisted to enter unlawfully. The Border Patrol was authorized to resume this method of operating in 1934, and during the first 24-hour period following the resumption of "traffic checking" by the patrol, nine alien smugglers with their loads of smuggled aliens were apprehended. This method of patrol operation has been extended with highly successful results.⁷⁵

In addition, outgoing passenger trains were inspected by immigration officers at border points. Freight train inspections were made to a limited extent--so far as could be done with the force of officers available.⁷⁶ Also, it was a known fact that vessels were being utilized in the smuggling of liquor and narcotics, and the records showed that they had been made available for the smuggling of aliens. Therefore, it was recommended that water craft be included in traffic checking.⁷⁷ Finally, it was recognized

⁷⁴Annual Report of the Commissioner General for 1930, p. 37.

⁷⁵Annual Report of the Secretary of Labor for 1940, p. 10.

⁷⁶Annual Report of the Commissioner General for 1924, p. 18.

⁷⁷Ibid., p. 21.

that "the desirability, if not necessity, for the establishment of an aerial patrol has existed for a few years, and is now urgent."⁷⁸ However, an air arm was not developed until the post-World War II period.

The Concept of Mobility and Coordination

Mobility, with coordination and control at all times of the forces engaged, has played an important part in making it possible to patrol the borders with maximum efficiency and minimum expense.⁷⁹

It would require a large-sized army to patrol effectively the border line of approximately 1,000 miles so as to prevent illegal entries of aliens, and it would be useless to station a handful of immigration officers on the line expecting them to prevent illegal entries or even to apprehend aliens in the act of entering without inspection.⁸⁰

Therefore, all units of the Immigration Border Patrol worked in areas between ports of entry, some close to the border line, and some at greater distances therefrom, depending, among other things, upon the location, character, and direction of roads and trails and the nature of terrain. Junction points of converging roads frequently offered

⁷⁸Annual Report of the Commissioner General for 1931, p. 59.

⁷⁹Annual Report of the Commissioner General for 1930, p. 36.

⁸⁰Annual Report of the Commissioner General for 1924, p. 18.

strategic possibilities of control with a minimum of men. Not infrequently supporting units were thrown back from the border, some 30 or 40 miles, as a secondary line of defense.⁸¹

Patrol units in some instances followed out roads running perpendicular (or approximately so) to the border, sometimes proceeding from bases toward the border, thus meeting the smugglers, and at others from the border in pursuit. Supporting units not infrequently followed a road from the border for a considerable distance, then proceed by means of a road running transversely to another road running from the border, returning thence to the border, encountering smugglers who believed their way to be clear. Strategies of every kind are employed to outwit the smuggler. Mobility and avoidance of anything in the nature of routine practices keep the smuggler guessing; in other words, despite all the information he is able to procure by telephone or otherwise, from road-running pilots, scouts, and others before leaving his base, he encounters the patrols at the most unexpected times and places.⁸²

In actual practice, Immigration Border Patrolmen were placed on the border line or river only when information was received from what was believed to be a reliable source that arrangements had been made by certain smugglers to cross a party of aliens at a given time and place.⁸³

⁸¹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1941 (76th Cong., 3rd Sess. Washington: Government Printing Office, 1940), p. 201.

⁸²Annual Report of the Commissioner General for 1930, p. 36.

⁸³Annual Report of the Commissioner General for 1924, p. 18.

Generally this information is received from members of another smuggling outfit when competition is so close that one gang, in order to maintain its own profits, will use every means at hand to put another out of business.⁸⁴

Finally, for mutual aid and protection the patrols operated in units of not less than two men. They noted and reported everything observed or otherwise learned that might have been of possible value or significance. Again coordination was achieved.

The reports are studied and coordinated with others that may be on file, and even though they may not be of value immediately they frequently become so. Every patrolman becomes an intelligence officer, trained to observe and appraise the value of things he hears and sees. He cultivates friends and develops sources of information.⁸⁵

Of course such a procedure depended upon the full support of the American populace along the Mexican border in terms of good will and active assistance.⁸⁶

Equipment

In 1924 and for several years thereafter, the Immigration Border Patrol's equipment was wholly inadequate for the job which had to be done. At first it consisted largely of motorcycles with a small number of low-priced

⁸⁴Ibid., pp. 18-19.

⁸⁵Annual Report of the Commissioner General for 1930, pp. 36-37.

⁸⁶Ibid., p. 40.

passenger automobiles. The motorcycles were abandoned after the first year. The number furnished had not been sufficient. Much of the time a sizeable number of men had to work on foot as best they could or operate their own autos at their own expense.⁸⁷

During the first two years of the organization's existence limitations upon the purchase of motor equipment necessitated the procurement of automobiles under a system of allowances made to individual patrolmen owning cars. This was wholly unsatisfactory, the amount which it was possible to allow in any case being so limited as to make it impossible for any patrolman to operate his car, except within a very limited radius, without financial loss. Congress remedied this situation for the fiscal year 1927, with the result that it was possible to do away with the wholly unsatisfactory makeshift allowance system and in its place to substitute Government-owned motor equipment.⁸⁸

The situation gradually improved as to the number of cars furnished, but:

. . . the makes were not fit to cope with the high-powered cars used by the smugglers who not infrequently ran them in fleets with a pilot car used both for scouting purposes and to run interference against pursuing officers. The officers resorted to stopping them by gunfire, by the use of spiked planks and by other devices. The smugglers countered by armoring their gas tanks and by equipping them with bullet-proof tires. Some of them used smoke screens. It was not long before strict orders had to be reissued against the use of firearms except in self-defense, and this, of course, made the dangerous and exciting "game" less hazardous for the smugglers but more difficult for the officers.

⁸⁷Willard F. Kelly, "The Border Patrol," Immigration and Naturalization Monthly Review, 2:57, November, 1944.

⁸⁸Annual Report of the Commissioner General for 1927, p. 16.

The patrolmen built bigger and better spiked planks, and in order to stop the smugglers they had increasingly to risk deliberate collisions with them.⁸⁹

However, the majority of these incidents grew out of rum-running rather than alien-smuggling activities, and with the repeal of prohibition these difficulties disappeared to a large extent. The Immigration Border Patrol came to realize that proper equipment was about as important as efficient personnel and effective methods of operation, and gradually, over the years, good progress was made in furnishing patrol officers with the tools needed in their work. Automotive equipment greatly improved and had increased in number from approximately 200 automobiles in 1927⁹⁰ to over 600 in 1943.⁹¹

For patrol work in areas along the Mexican border where the roughness of the terrain and the absence of roads prohibited the use of motor vehicles, the Immigration Border Patrol used saddle horses.⁹² By 1943 the Service had 35 saddle horses with proper trailer equipment for transporting the horses to the localities in which they

⁸⁹Kelly, "The Border Patrol," loc. cit.

⁹⁰Annual Report of the Commissioner General for 1927, p. 17.

⁹¹Kelly, "The Border Patrol," loc. cit.

⁹²Annual Report of the Commissioner General for 1931, p. 59.

were to be used.⁹³

In 1933, it was recognized that "powerful motor boats are definitely needed in Southern California waters to guard against the smuggling of oriental aliens from Mexico."⁹⁴ By 1943 there were 33 motor boats and other water craft.⁹⁵

Among measures taken to increase the effectiveness of the Immigration Border Patrol was the completion of an engineering study of radio communication as applied to the problems of the Immigration Border Patrol. Before 1935 it had been impossible to work out any satisfactory method of communicating important information from immigration stations or patrol sub-district headquarters to mobile field units. The estimated cost of installing radio equipment was formidable; therefore, various items of radio equipment surplus to the needs of other Government agencies were procured and rebuilt for the use of the Immigration Border Patrol.⁹⁶ Thus radio communications facilities developed from a modest beginning in 1936, of two transmitters and a few receivers, into a

⁹³Kelly, "The Border Patrol," loc. cit.

⁹⁴Annual Report of the Secretary of Labor for 1933, p. 61.

⁹⁵Kelly, "The Border Patrol," loc. cit.

⁹⁶Annual Report of the Secretary of Labor for 1935, p. 97.

system consisting of forty fixed transmitters connecting districts, sectors, and other key points and providing one- and two-way communication between sector headquarters and mobile patrol units. By 1943 this network extended to practically all parts of the southern border from Miami to Los Angeles.⁹⁷ Observation towers were erected at places on the Mexican border where such method of helping to control illegal entries had been found useful and from them observers directed officers working in prowl cars to the scene of illegal entries by means of radio. This practice provided very effective control.⁹⁸

A final ramification of the use of radio communication involved the establishment of a fingerprint file.

Even during the twenties and principally along the Mexican border, officers began in a small way to make and file fingerprint records of persons apprehended by them. Small identification bureaus with fingerprint records grew up in various sector or district headquarters until in 1939, after radio communications along the Mexican border had become sufficiently reliable to assure the prompt transmission of fingerprint information, the entire collection of fingerprint records was transferred to Border Patrol Sector headquarters at El Paso. At the present time [1943] this collection contains fingerprints of more than 150,000 persons who have been apprehended in or deported through the Mexican

⁹⁷Kelly, "The Border Patrol," loc. cit.

⁹⁸United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1939 (75th Cong., 3rd Sess. Washington: Government Printing Office, 1938), p. 268.

border districts, and from practically any point along the entire border an officer can send in fingerprints descriptions of suspects and within a very short time have a reply. Many interesting apprehensions have been made in this manner, including those of persons identified as being wanted for murder or for other serious crimes. Copies of all fingerprints taken are, of course, furnished the Federal Bureau of Investigation in Washington.⁹⁹

Persons Apprehended by the Immigration Border Patrol¹⁰⁰

From the fiscal year of 1925 through the fiscal year of 1933 yearly apprehensions remained generally about the same with the number fluctuating between 18,646 and 25,534. The fiscal year of 1929, however, was an exception. That year apprehensions totaled 34,591, a highpoint for the pre-World War II period. Actually this number was not surpassed until 16 years later in the fiscal year of 1945 when 70,639 persons were apprehended.¹⁰¹ Then in fiscal year 1934 apprehensions dropped to the lowpoint, except for fiscal year 1940, in the history of the Immigration Border Patrol. During the period from fiscal year 1934 through fiscal year 1942 apprehensions remained very even, fluctuating between 10,492 and 13,054. This low

⁹⁹Kelly, "The Border Patrol," op. cit., p. 58.

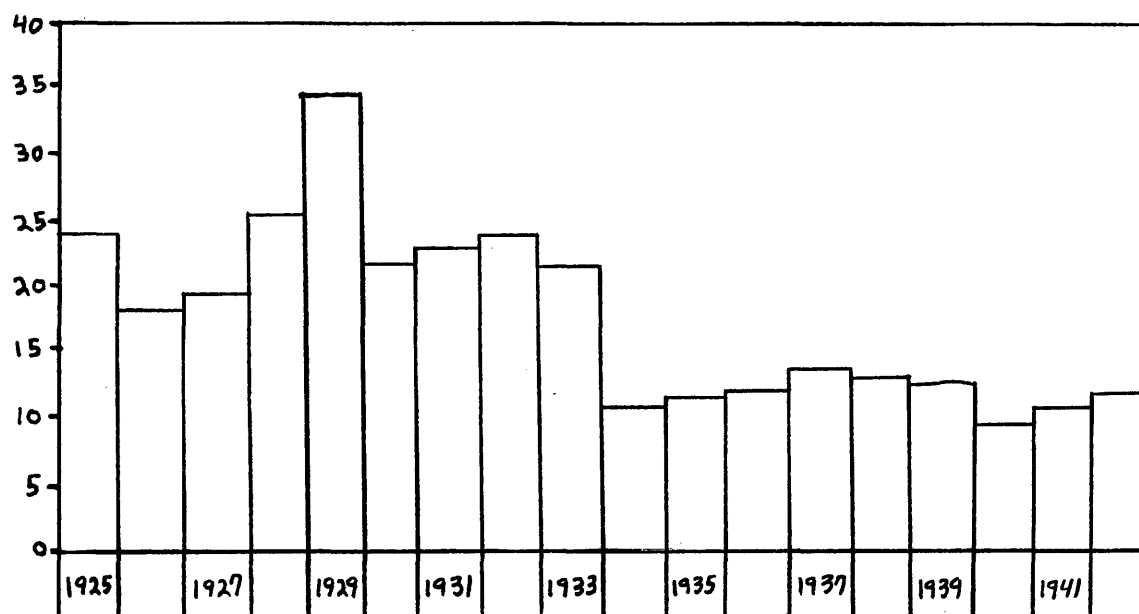
¹⁰⁰See Figure 3, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1925-1942 on page 48.

¹⁰¹See Figure 16, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1943-1956 on page 131.

FIGURE 3

PERSONS APPREHENDED BY THE IMMIGRATION BORDER
PATROL FOR THE FISCAL YEARS, 1925-1942

IN THOUSANDS



1925 - 24,251	1931 - 23,593	1937 - 13,054
1926 - 18,646	1932 - 23,750	1938 - 12,851
1927 - 19,382	1933 - 21,809	1939 - 12,037
1928 - 25,534	1934 - 11,016	1940 - 10,492
1929 - 34,591	1935 - 11,674	1941 - 11,294
1930 - 22,448	1936 - 12,406	1942 - 11,784

Source, 1925-1936: United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1938 (75th Cong., 1st Sess. Washington: Government Printing Office, 1937), p. 140.

Source, 1937-1942: United States Department of Justice, Annual Report of the Immigration and Naturalization Service for the Year Ended June 30, 1944 (Washington: Government Printing Office, 1944), p. 109.

number of apprehensions can be attributed to the bad economic conditions existing in the United States during the period of the depression. The usual economic pull factor was missing; therefore, illegal entry was at a minimum. However, by the fiscal year 1941 the international situation persuaded Congress to double appropriations for the Immigration Border Patrol on the theory that national defense would require a "secure" border. This was done even though the number of persons apprehended in the fiscal year 1940 had been the lowest in the entire history of the Immigration Border Patrol, 1924-1956.

Deportations and Voluntary Departures¹⁰²

During the pre-World War II period the method of expulsion utilized by the Immigration Border Patrol was evenly divided between the use of formal deportation and voluntary departure proceedings. More illegal entrants departed by voluntary departure in fiscal years 1927, 1928, and 1929, than did those who chose formal deportation. Then in the fiscal years 1930, 1931, 1932, and 1933, just the reverse was true. Then from fiscal year 1934 through fiscal year 1938 aliens equally chose the two methods of expulsion under discussion. However, from fiscal year 1939

¹⁰²See Figure 4, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1925-1942 on page 50.

FIGURE 4

DEPORTATIONS AND VOLUNTARY DEPARTURES OF ALIENS
FOR THE FISCAL-YEARS, 1925-1942

	Deportations	Voluntary Departures	Total
1925	9,495 ^a	not available ^a	9,495
1926	10,904	not available	10,904
1927	11,662	15,012	26,674
1928	11,625	19,946	31,571
1929	12,908	25,888	38,796
1930	16,631	11,387	28,018
1931	18,142	11,719	29,861
1932	19,426	10,775	30,201
1933	19,865	10,347	30,212
1934	8,897	8,010	16,889
1935	8,319	7,978	16,297
1936	9,195	8,251	17,446
1937	8,829	8,788	16,617
1938	9,275	9,278 ^b	18,553
1939	8,202 ^c	9,590 ^c	17,792
1940	6,954	8,594	15,548
1941	4,407	6,531	10,938
1942	3,709	6,904	10,613

(a) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1941 (76th Cong., 3rd Sess. Washington: Government Printing Office, 1940), pp. 204-05.

(b) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1940 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), p. 191.

(c) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1948 (80th Cong., 1st Sess. Washington: Government Printing Office, 1947), p. 189.

through fiscal year 1942, and for that matter through fiscal year 1956,¹⁰³ aliens began to be expelled through the method of voluntary departure predominantly. By fiscal year 1942 this was true to the extent of a 2 to 1 ratio in favor of voluntary departure. Of course, in the post-World War II period this ratio will be raised steadily until the maximum ratio of 82 to 1 will be reached in fiscal year 1950. However, the highpoint in terms of the numbers of people being expelled through voluntary departure is not reached until fiscal year 1954.¹⁰⁴ The advantages and disadvantages of the two methods of expulsion are discussed below.¹⁰⁵

Deportation procedure. An alien cannot be deported until the nation of which he is a national issues him a passport. If it is determined that a passport cannot be obtained, then the alien must be released since a Writ of Habeas corpus will lie in such case. However, if a passport is obtained, then the Government of the United States pays the cost of sending the alien back to the

¹⁰³See Figure 17, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1943-1956 on page 133.

¹⁰⁴Loc. cit.

¹⁰⁵See below, pp. 139-42.

country of his nationality.¹⁰⁶ In addition, there is another avenue of exit available to the alien.

We (United States Government) allow a number of deportable aliens to leave the country at their own expense. We very often tell the alien: if you want to pay your own fare you can go to the country of your choice and you will not be subject to the stigma of deportation; otherwise, you can get a third class passage back to the country of your nationality as a deportee and you may not reenter the United States for one year, and then only on the specific permission of the Secretary of Labor.¹⁰⁷

Deportations during the pre-World War II period since fiscal year 1925 never exceeded 20,000 in number. Voluntary departures during this same period never exceeded 12,000 in number except for the early fiscal years of 1927, 1928, and 1929.¹⁰⁸ However, the more than 50 per cent decrease in deportations after fiscal year 1933 should be explained. The causes for this decrease given by the Immigration Border Patrol were: (1) decrease in alien population meant the smaller the number subject to deportation; (2) decrease in numbers of aliens coming to the

¹⁰⁶United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1941 (76th Cong., 3rd Sess. Washington: Government Printing Office, 1940), p. 253.

¹⁰⁷Ibid., p. 252.

¹⁰⁸See Figure 4, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1925-1942 on page 50.

United States; (3) the nonimmigrant who is principally a visitor to the United States for business or pleasure does not to any appreciable extent serve as a source for deportations, for this is the alien who comes here for a specific purpose, accomplishes the purpose and leaves the United States; (4) the effect of more perfect selectivity by the American Consuls in issuing visas to aliens who have recently come to the United States; (5) the bad economic conditions in the United States; (6) the changes from the illegal practice to the legal practice of not arresting aliens contrary to due process of law; (7) when the Immigration Service and the Naturalization Service were combined in 1933 because of reduced appropriations it was necessary to make a drastic reduction in the force; this reduced force naturally had its effects; and (8) increased efficiency of border patrol acts as an increasingly strong deterrent against illegal entries.¹⁰⁹

Illegal entry as a crime. Prior to 1929, it was not a crime, misdemeanor or otherwise, to enter the country illegally. The only penalty was deportation.

¹⁰⁹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for the Department of Labor Appropriation Bill for 1940 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), pp. 203-04.

Prior to 1924, there was a 3-year statute of limitations against deportation for illegal entry alone. Since 1929 it has been a misdemeanor for an alien to enter the United States at other than a port of entry, at a time designated by the Immigration Service. By the same act it was made a felony for an alien who had been deported from the United States to return without complying with the law.¹¹⁰ In other words, Congress in 1929 made it "a misdemeanor for the first offense, and a felony for the second offense of unlawful entry."¹¹¹

Alien expulsion technique. The procedure concerning the expulsion of Mexican aliens who had entered the United States illegally during the pre-World War II period was "to put them back right across the border at the point where they entered,"¹¹² but where there was a deportation movement the Immigration Border Patrol would try to drop

¹¹⁰United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1941 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), p. 207.

¹¹¹Ibid., p. 209.

¹¹²United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Labor Appropriation Bill for 1940 (76th Cong., 1st Sess. Washington: Government Printing Office, 1939), p. 194.

them off at the point along the border closest to their home. That, however, made it convenient for them to reenter when they found the opportunity. Therefore, in the cases of criminal aliens or repeaters, the Immigration Border Patrol shipped them by water to the west coast of Mazatlan. Because of some objections by the Mexican Government against putting Mexicans back in their native country so far removed from their own homes and their families, this practice was discontinued.¹¹³

Immigration Border Patrol Air Operations

The first attempts to patrol the border by air began in the summer of 1941 with the procurement of three autogyros and a considerable stock of replacement parts from the United States Army. Three Immigration Patrol Inspectors were trained as pilots. One autogyro was assigned to each of the three Mexican border districts of Los Angeles, El Paso, and San Antonio, to be used experimentally in the prevention of illegal entries of aliens into the United States.¹¹⁴

Due to the experimental nature of the craft they proved unsuccessful except for limited operation. By

¹¹³United States Congress, loc. cit.

¹¹⁴James E. Parker, "Border Patrol Air Operations," I & N Reporter, 4:17, November, 1955.

August, 1942, only one autogyro was in use and that was assigned to the McAllen, Texas, area due to the sharp increase in the number of aliens entering illegally in the lower Rio Grande Valley. Unfortunately the craft assigned to the San Antonio and the Los Angeles districts crashed and were damaged beyond repair before their usefulness could be fully demonstrated. After the fatal crash of Pilot Ned Henderson in November, 1945, near Sullivan City, Texas, operation of autogyros was abandoned because they were no longer available.¹¹⁵

Although very little was accomplished in the way of effective patrolling through the use of the autogyro, several things were learned which were of great help when airplanes were used in the post-World War II period. Officers found that before an air patrol could function efficiently it would have to be supplemented with an effective ground patrol.

Methods of operation were soon established which proved the value of aircraft to the Service. While flying at low altitudes at speeds varying from practically zero to one hundred miles per hour or more, it was possible to locate active illegal crossing places along the border and hidden boats and to locate and follow individuals or groups of persons walking through the heavy brush. By means

¹¹⁵Ugo Carusi, "Border Patrol Use of Aircraft," Immigration and Naturalization Service Monthly Review 4:137, May, 1947.

of two-way radio communication, ground crews in patrol cars and on foot--the latter using "walkie-talkies"--were directed to the scenes of activity.¹¹⁶

It was also learned that good radio communication between the scouting aircraft, the ground crews, and sector headquarters was a must. Occasionally, aliens located by air were in terrain inaccessible to ground crews in automobiles, and too far from a horse-mounted unit to make pursuit practical.¹¹⁷ Use of aircraft on patrol work ceased during World War II.

¹¹⁶Carusi, loc. cit.

¹¹⁷Parker, loc. cit.

CHAPTER III

THE FACTOR OF DRASTICALLY INCREASED ILLEGAL MEXICAN MIGRATION

I. THE SCOPE OF ILLEGAL MEXICAN MIGRATION

Before 1944 fewer than 20,000 Mexican agricultural laborers illegally crossed the United States-Mexican border each year in search of employment in the United States.¹ By 1954 this number had increased to approximately 1,000,000.² Before 1942 this illegal traffic was limited mainly to the agricultural areas of the border states.³ By 1954 these "wetbacks," as the illegal entrants are

¹It is not possible to record an exact number of the illegal entrants entering the United States each year. However, the number of apprehensions reported by immigration officers can be used as a rough guide if the two following limitations are kept in mind: (1) large numbers of persons enter and leave without detection and (2) one person may be apprehended several times thereby creating a "repeater" problem with regard to compiling "exact" records. President's Commission on Migratory Labor, Migratory Labor in American Agriculture (Washington: Government Printing Office, 1951), p. 69.

²Annual Report of the Attorney General for 1954, p. 41.

³President's Commission on Migratory Labor, op. cit., p. 70.

called, had migrated to virtually all states of the union.⁴

These illegal entries no longer stay in the localities close to the border but have been apprehended in places as remote from the southern border as the States of Washington and Illinois. Thousands of illegal aliens have been apprehended working in industry, crafts, and trades while in the United States.⁵

II. MEXICAN MIGRATION PATTERNS

With hardly an exception, the predominant motive for migration has been economic. Religious persecution and political oppression have hardly figured at all. In fact, the economic motive has been strong enough to induce the migrants to brave heavy obstacles. This is particularly true of those from Latin America, who have here faced racial prejudice, linguistic problems, and cultural isolation; but it is also true to a lesser degree of the French Canadians.⁶

Seasonal Employment

During the Diaz regime in Mexico a very small

⁴The use of the term "wetback" implies no derogatory intent on the part of the user, but is merely a descriptive phrase referring to the method of illegal entry employed by the Mexican national, for many illegal entrants swim or wade across the Rio Grande River in order to enter the United States. Ibid., p. 69.

⁵United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1953 (82nd Cong., 2nd Sess. Washington: Government Printing Office, 1952), p. 195.

⁶Kingsley Davis and Clarence Senior, "Immigration from the Western Hemisphere," Immigration and Naturalization Service Monthly Review 7:33, September, 1949.

number of Mexicans crossed the border illegally. With the end of the Mexican revolution in 1917 and the farm labor shortages accompanying the entrance of the United States into World War I their number increased appreciably. Because of this influx of immigration a definite pattern of seasonal employment in the commercial agriculture of the Southwest was slowly but gradually created. Traveling from the South to the North, the workers followed the fruit and vegetable harvests. Since the American farmer's demand was for workers who could be used temporarily and then returned to their "home" when their services were no longer required, the creation of a pattern of seasonal employment was to be expected.

Mechanization of Agriculture

Mechanization of agriculture has contributed to the establishment of such migration patterns. However, technological advances in harvest operations have lagged considerably behind that of necessary pre-harvest work. The need for more laborers has resulted because of the greater yields produced by scientific agriculture. This is particularly true at harvest time. In addition, most of the crops of the Southwest are of the type that must be harvested quickly once they ripen.⁷

⁷United States Department of Agriculture, Farm Labor Requirements in the United States (Washington: Government Printing Office, 1947), p. 2.

III. ILLEGAL MEXICAN MIGRATION

The phenomenal increase in the number of illegal Mexican entrants since fiscal year 1944 is due to a number of circumstances. These may be conveniently classified as "push" and "pull" factors. In this great migration both are present in varying degrees. According to studies conducted by Harry Jerome, the "pull" on the immigrant provided by the promise of better conditions is stronger than the "push" of poverty in the homeland.⁸ This finding has been borne out in the factors attending the illegal Mexican immigration to the United States.⁹

Push Factors

Among the "push" factors is the population pressure in Mexico in relation to resource development. Between

⁸Harry Jerome, Migration and Business Cycles (New York: National Bureau of Economic Research, 1926), p. 208.

⁹Since the Western Hemisphere is not included under the quota provisions of the immigration laws of the United States, including the McCarran Immigration and Nationality Act of 1952, Mexicans are, and always have been, eligible to enter and reside in the United States if they met the two "minor" requirements demanded of them. First, a literacy test must be passed. This, of course, has precluded and undoubtedly will continue to preclude the admittance of most farm workers for permanent residence. Second, a small head tax must be paid. Immigration Act of February 5, 1917 as Amended and Supplemented, 39 United States Statutes 874 (1917).

1940 and 1950 the population of Mexico increased by six million or thirty per cent.¹⁰ The Mexican economy has, as in the past, failed to provide a standard of living for the Mexican people approaching that of the United States. The low general wages, especially in agriculture, have been rendered even less adequate by the rapid deflation of the Mexican currency since 1948. In Mexico an unskilled farm laborer can earn about \$1.25 per day, while the "wetback" in the United States earns from \$5.00 to \$7.00 for a day's work.¹¹ The very marked economic expansion in the Mexican sector of the Rio Grande Valley since World War II has, because of this population pressure and the low levels of living in central Mexico, attracted thousands of workers to the border area. The result has been that this economic development has created a large resident labor force across the border from the United States. In addition, the operators of agricultural enterprises in North Central Mexico have collected many more workers than they need. The reason for following this procedure is that many of these agricultural workers do not stay on the Mexican side of the border, but proceed to enter the United States after

¹⁰Direccion General De Estadistica, Compendio Estadistico 1953 (Mexico: Secretaria De Economia, 1954), p. 34.

¹¹President's Commission on Migratory Labor, op. cit., p. 78.

hearing of the higher wages and of the promise of greater opportunity there. In other words, it is evident that each of these groups contain many potential "wetbacks." Finally, the continued drouth conditions in Mexico have created unemployment for many willing and able to work.¹²

Pull Factors

The "pull" factors in the United States complement the "push" forces in Mexico. Many farm employers in the border areas of the United States prefer Mexican to American labor. Also, there are people in the Valley who would rather not hire wetbacks, but have felt compelled to do so because they felt they had to compete with employers of wetbacks.¹³ In addition, there has been a long established pattern of Mexican farm migration to the United States. Also, in recent years there has been increased cultivation of cotton and fruits in the American border states. At the same time, there has been a general exodus of American agricultural workers from seasonal labor. This

¹²United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1955 (83rd Cong., 2nd Sess. Washington: Government Printing Office, 1954), p. 196.

¹³Willard F. Kelly, "The Wetback Issue," I & N Reporter 2:39, January, 1954. For a further discussion concerning the reasons why wetbacks were accepted for labor see below, pp. 158-59.

has been especially true since the start of World War II. Thus has been created a manpower vacuum which is being filled by the Mexican "wetback." They in turn are attracted to the United States by the higher wage that the American agricultural producers can offer.

The Mexican contract agricultural labor importation program also has been a factor partially responsible for the influx of Mexican agricultural workers into the United States. Between the years 1943 and 1950 approximately 50,000 to 100,000 Mexican agricultural workers have been brought to the United States annually under the provisions of this program.¹⁴ The braceros, as the legal laborers are called, upon returning to Mexico spread throughout the country the news of economic opportunity in the United States.

An additional factor responsible for the increased illegal migration has been the placing of a premium upon illegal entrance by the United States Immigration and Naturalization Service. It is, furthermore, one in which the United States has been at fault. During the latter part of the 1940's the Mexican government refused to permit the recruiting of Mexican agricultural workers in central

¹⁴See Figure 18, Mexican Agricultural Laborers Admitted to the United States for the Fiscal Years, 1943-1956 on page 167.

Mexico due to the fact that a great many of the workers from that area entered the United States illegally. The practice of the United States Immigration and Naturalization Service in the face of this was to "legalize" these illegal entrants from central Mexico and to use them in the legal contract labor importation program.¹⁵ The result was that a Mexican laborer had one of two choices if he was to obtain work. First, he could apply to the authorities in Mexico for admittance to the contract labor importation program. However, the worker from central Mexico would not be accepted. The other choice was to cross the United States border illegally and run a chance of being "legalized." The choice the great percentage of these Mexican laborers made is fairly obvious.

Opposition to the Influx of Illegal Mexican Migration

Opposition to this influx of illegal Mexican migration has come from the National Agricultural Workers Union. This Union has gone on record for the following claims: (1) due to this influx agricultural wages are being depressed,¹⁶ (2) due to this influx American

¹⁵President's Commission on Migratory Labor, op. cit., p. 74.

¹⁶National Farm Labor Union, "Summer Brings the Mexicans," Commonweal, 12:275, July 2, 1948.

agricultural laborers are being displaced,¹⁷ and (3) in addition, the domestic supply of farm labor is adequate to meet all needs.¹⁸ A further charge that has been made was that the chief cause of the great increase in the number of illegal entrants since 1942 is, and has been, the contract labor importation program.¹⁹ Additional charges that today have assumed important dimensions involve internal security, health conditions, criminality, depressed living standards, and a desire to see that the immigration laws are observed. These additional charges have played a large part in prevailing against the farm organizations and the natural difficulties involved in stopping such a mass migration.

Disadvantages coincident with the Wetback invasion.

The "Wetback" is known to be a carrier of active tuberculosis.²⁰ Following in the wake of the workers are the prostitutes, accounting for an increase in venereal

¹⁷National Agricultural Workers Union, Proceedings--Seventeenth National Convention of the National Farm Labor Union (Memphis: National Agricultural Workers Union, 1951), Resolution 10.

¹⁸Loc. cit.

¹⁹National Agricultural Workers Union, op.cit., Resolution 2.

²⁰Kelly, "The Wetback Issue," op. cit., p. 37.

diseases among the "wetbacks."²¹ It is reported that the illegal alien traffic has greatly increased the traffic in narcotics.²² Between seventy-five and ninety per cent of all law violations along the border are attributable to the "wetback."²³ Finally,

. . . and the "wetback" himself--once a tractable and for the most part an inoffensive creature--is becoming more and more difficult for the officers to handle. These men are destitute and hungry--and a hungry man can be a bad man, especially when he is already a fugitive in a strange country.²⁴

Possible Solutions

Increased use of legally imported labor. A number of possible solutions to the "wetback" problem have been offered. One obvious solution would appear to be an increased use of the legally imported labor. This approach has been undertaken. Commissioner Swing reported that approximately 400,000 such laborers would be used in 1956.²⁵ This might be compared with the 337,996 admitted

²¹Ibid., p. 38.

²²Loc. cit.

²³Loc. cit.

²⁴Loc. cit.

²⁵United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1957 (84th Cong., 2nd Sess. Washington: Government Printing Office, 1956), p. 289.

in 1955 and the 124,233 admitted in 1954.²⁶ However, in the past, the "wetback" had been preferred by the growers because he came to the United States to work and not for adventure. This was demonstrated by his long trek from Mexico. Unlike the legal laborers, he was almost always a country dweller and need not have been given guarantees of minimum wages or period of employment. Nor need he have been provided adequate housing. The legal workers, on the other hand, must be given a model contract by their employer which must include minimum standards and period of employment guarantees. In addition, a frequently recurring criticism, brought by labor, of any plan that envisions the substitution of the legally imported workers for the "wetbacks" is the charge that there is a direct relationship between the use of legally imported labor and the increase in the number of "wetbacks."²⁷ If this be true then any increase in the number of workers legally admitted to the United States would increase the volume of the illegal immigration. The period of the inception and operation of the contract labor importation program coincides almost exactly with the rapid increase in the

²⁶Richard C. Hoy, "Regional Concept," I & N Reporter 4:46, April, 1956.

²⁷National Agricultural Workers Union, op. cit., Resolution 2.

numbers of illegal entrants.

Relocation of American agricultural workers. A second solution has been suggested by organized labor. Its recommendation suggested that there be a relocation of American agricultural workers on both a seasonal and permanent basis. In 1943 Walter Reuther made the statement that "there is no labor shortage in America." He proposed that the planned migration of poor farm families from the South to the West would solve any regional farm manpower deficits.²⁸ However, this was indeed an overstatement with regard to the actual extent of a migration to the West that could be expected of the poor migratory farm families of the South. During this period "Mexican workers continued to be the most important group among the seasonal workers."²⁹ And this was during the period of the great war effort. These conditions persist. Furthermore, unemployment figures have no application. Unemployed bookkeepers will not seek work in the cotton fields. In addition, the direction of movement is out, not into, seasonal farm employment. Americans will not do "stoop" labor.

²⁸News item in New York Times, April 1, 1943, p. 1.

²⁹United States Congress, House, Select Committee to Investigate the Interstate Migration of Destitute Citizens, Interstate Migration, House Report No. 369 (77th Cong., 1st Sess. Washington: Government Printing Office, 1941), p. 345.

Legalization of the "Wetback." The Imperial County branch of the American Farm Bureau Federation initiated a proposal which would simply have legalized the "wetbacks" and have permitted them to work in the United States during the harvest season. However, it was recognized that such a policy would only result in the undesirable encouragement of illegal migration. The President's Commission on Migratory Labor in 1951 voiced the opinion that the legalization of the "wetbacks" in the past was one of the chief causes of the increasing volume of illegal Mexican immigration and therefore recommended that "legalization for employment purposes of aliens 'illegally' in the United States be discontinued and forbidden."³⁰

Mexican Cooperation

In conclusion it must be pointed out that the Mexican government has not been ignoring the "wetback" problem. In an August, 1953, nationwide television and radio broadcast President Adolpho Ruiz Cortines told the Mexican people that he was "deeply concerned" over Mexico's failure to prevent the "wetbacks" from seeking harvesting work across the border.³¹ He said that he would attempt to

³⁰President's Commission on Migratory Labor, op. cit., p. 88.

³¹News item in New York Times, September 2, 1953, p. 13.

divert surplus farm labor into new tropical and coastal farming lands.³² In 1956 Donald Coppoch, Regional Chief of the Border Patrol, Southwest Region of the United States, reiterated the great cooperation he has received from the Mexican government in solving the "wetback" problem and expressed assurance that such cooperation undoubtedly would continue in the future.³³

³²Loc. cit.

³³Statement made by Donald R. Coppoch during personal interview at Terminal Island, San Pedro, California, August 8, 1956.

CHAPTER IV

ORGANIZATIONAL AND OPERATIONAL CHANGES BROUGHT ABOUT BY EFFORTS TO CONTROL ILLEGAL MEXICAN MIGRATION TO THE UNITED STATES, 1943-1956

I. POST-WORLD WAR II ORGANIZATION

Organizational Plan

Reorganization of 1943: the functional approach.

The Commissioner of Immigration and Naturalization, under the immediate direction of the Attorney General reorganized the Service. The principle of organization adopted was to divide the work into organizational units according to the particular type of function involved; that is, for instance, bringing together all types of investigations.¹ The responsibility for the direction of all operating functions in the Central office and field offices belonging to the Office of the Deputy Commissioner was assigned an Assistant Commissioner for Adjudications and an Assistant Commissioner for Alien Control. The latter man was held responsible for the work of the Service relating to the

¹"Field Organization Study," Immigration and Naturalization Service Monthly Review 1:21, July, 1943.

Immigration Border Patrol, parole of aliens, and detention and deportation of aliens.²

The reorganization of the Service along functional lines established in the Central Office during the fiscal year 1943 was carried into the sixteen districts during the fiscal year of 1944 by separating staff from operating functions and establishing and defining clear lines of authority. With the pattern of District organization established, it was possible to delegate to the field offices certain authorities and functions heretofore held as the prerogative of the Central Office.³ As a result administrative or staff functions were streamlined. Four operations advisors in the Office of the Deputy Commissioner to coordinate the work of the various field districts and act in liaison and advisory capacity between the Central office and the field were provided. These operations advisors visited at least once yearly each field district, including each suboffice and station, Immigration Border Patrol section headquarters and unit.⁴ During this period the officers and employees of the Service functioned

²Annual Report of the Immigration and Naturalization Service for 1946, p. 2.

³Annual Report of the Immigration and Naturalization Service for 1944, p. 2.

⁴Annual Report of the Immigration and Naturalization Service for 1947, p. 8.

through a Central office, which was temporarily situated in Philadelphia, and sixteen District Directors to each of whom was assigned administrative accountability for specific areas.⁵ Thus, reorganization, simplification of procedures, and decentralization of functions to the field service contributed to the streamlining of the Service.⁶

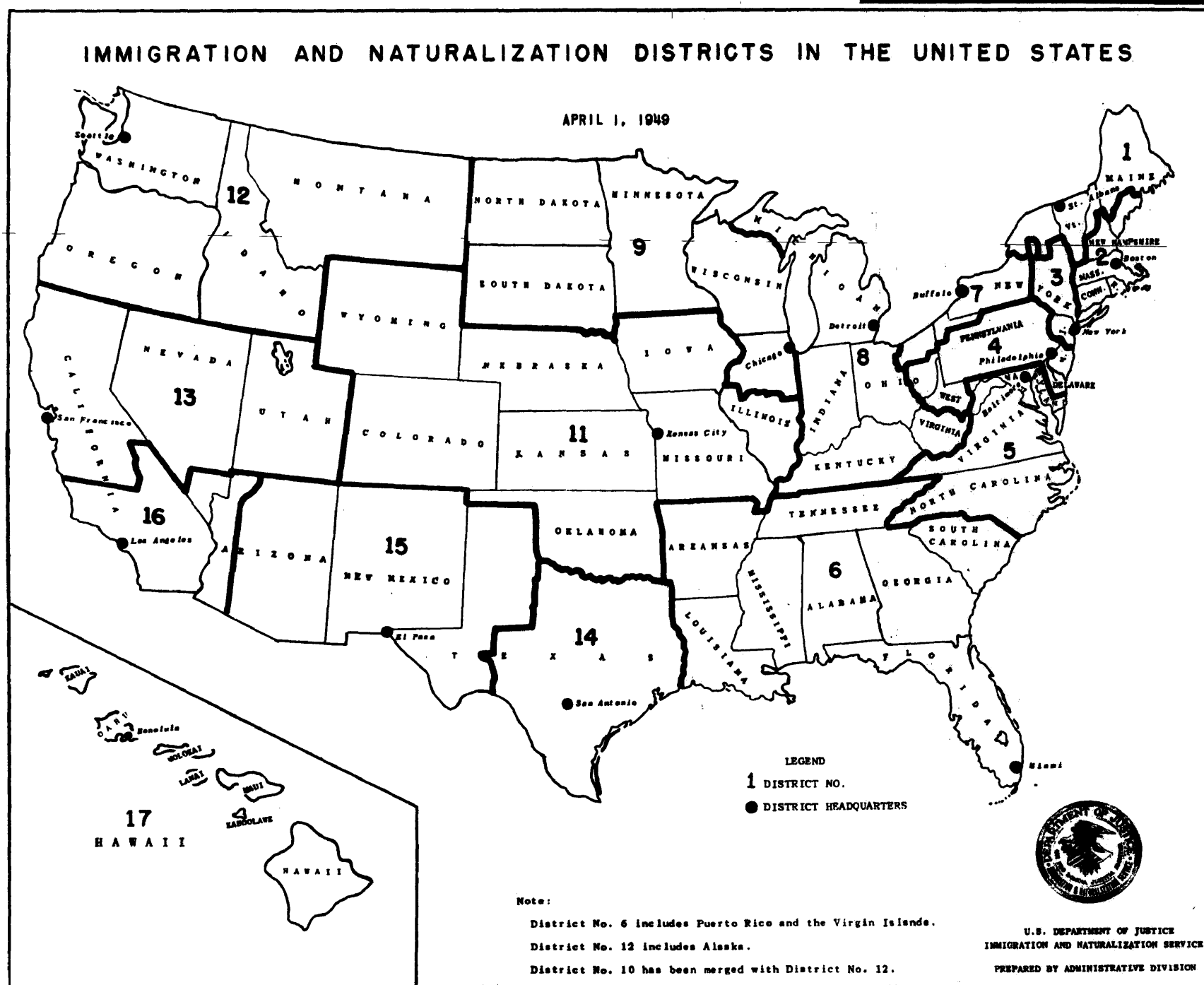
Additional changes: 1944-1954. In 1948 divisions were established which were responsible for the three major functions of the Immigration and Naturalization Service; namely, Administration, Adjudications, and Enforcement. The plan was so designed as to place responsibility for the work of the Service in specified Central Office officials who exercised technical and operating supervision of the Field Service through the District Directors.⁷ All enforcement work was segregated into the Enforcement division, which included immigration inspections; patrol of borders; investigations; arrest, custody and deportation of aliens.⁸ The number of District offices (see Figure 5)

⁵Ugo Carusi, "The Federal Administrative Procedure Act and the Immigration and Naturalization Service," Immigration and Naturalization Service Monthly Review 4:96, February, 1947.

⁶Annual Report of the Immigration and Naturalization Service for 1944, p. 4.

⁷Annual Report of the Immigration and Naturalization Service for 1948, p. 5.

⁸Ibid., p. 9.



remained at sixteen.⁹

In 1950 a fourth division (see Figure 6) was established; namely, The Research, Education, and Information Division.¹⁰ However, this Division was established only on the Central office level and was therefore not to be found on the District level as a separate District unit of organization. An organization chart of a typical district of the Immigration and Naturalization Service is shown in Figure 7.

For better administration, it was decided in 1952, that the Enforcement work be divided between an Assistant Commissioner for Investigations and an Assistant Commissioner for Border Patrol, Detention, and Deportations.¹¹ Therefore, the Immigration Border Patrol was spread over thirteen Border Patrol districts. Each of these districts was under the supervision of a District Director of Immigration and Naturalization and, where the area of the district, the physical characteristics and the

⁹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1948 (80th Cong., 1st Sess. Washington: Government Printing Office, 1947), p. 180.

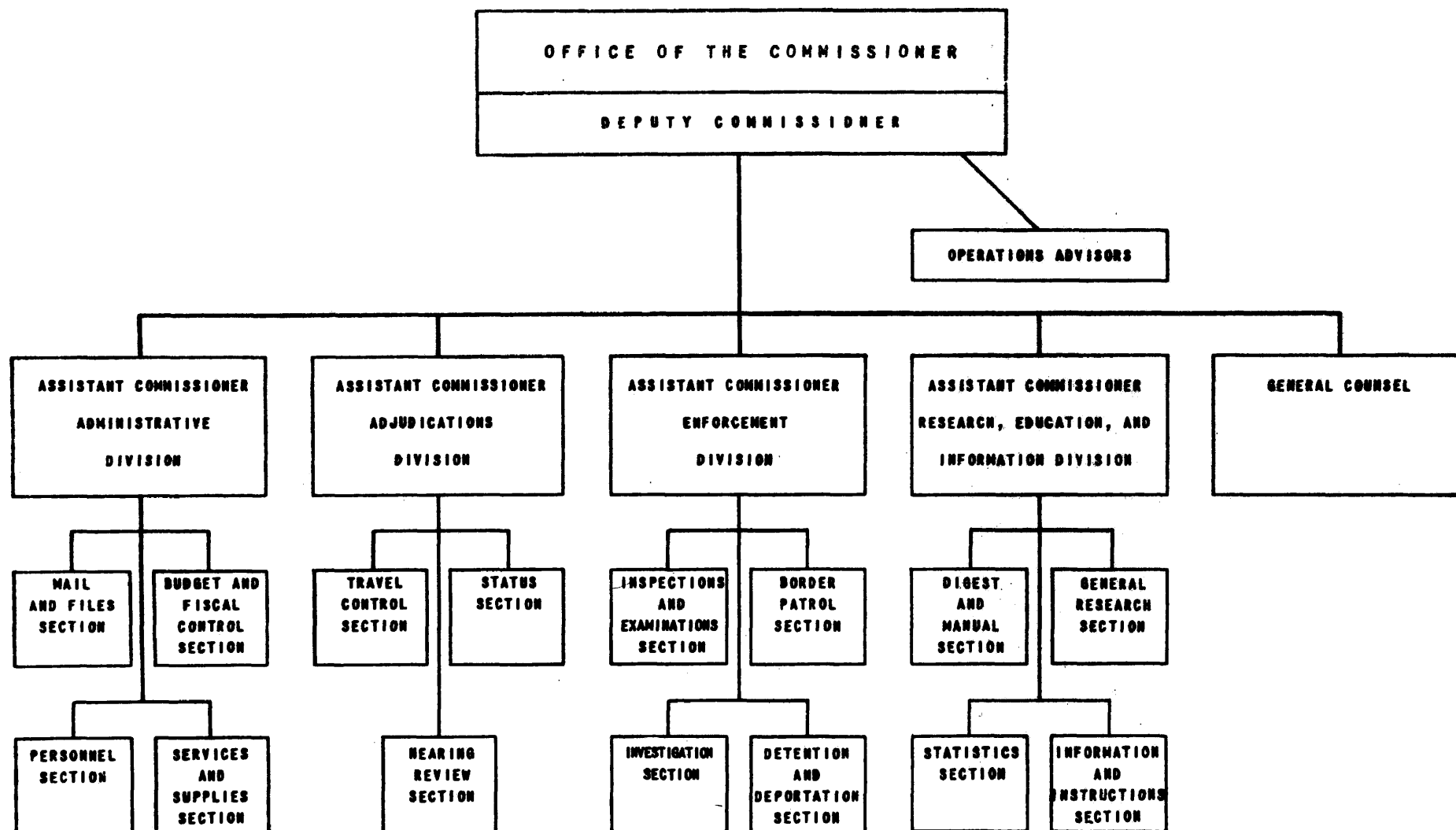
¹⁰United States Congress, Senate, Committee on the Judiciary, Report on the Immigration and Naturalization Systems of the United States (80th Cong., 1st Sess. Washington: Government Printing Office, 1950), p. 297.

¹¹Annual Report of the Immigration and Naturalization Service for 1952, p. 2.

FIGURE 6

IMMIGRATION AND NATURALIZATION SERVICE

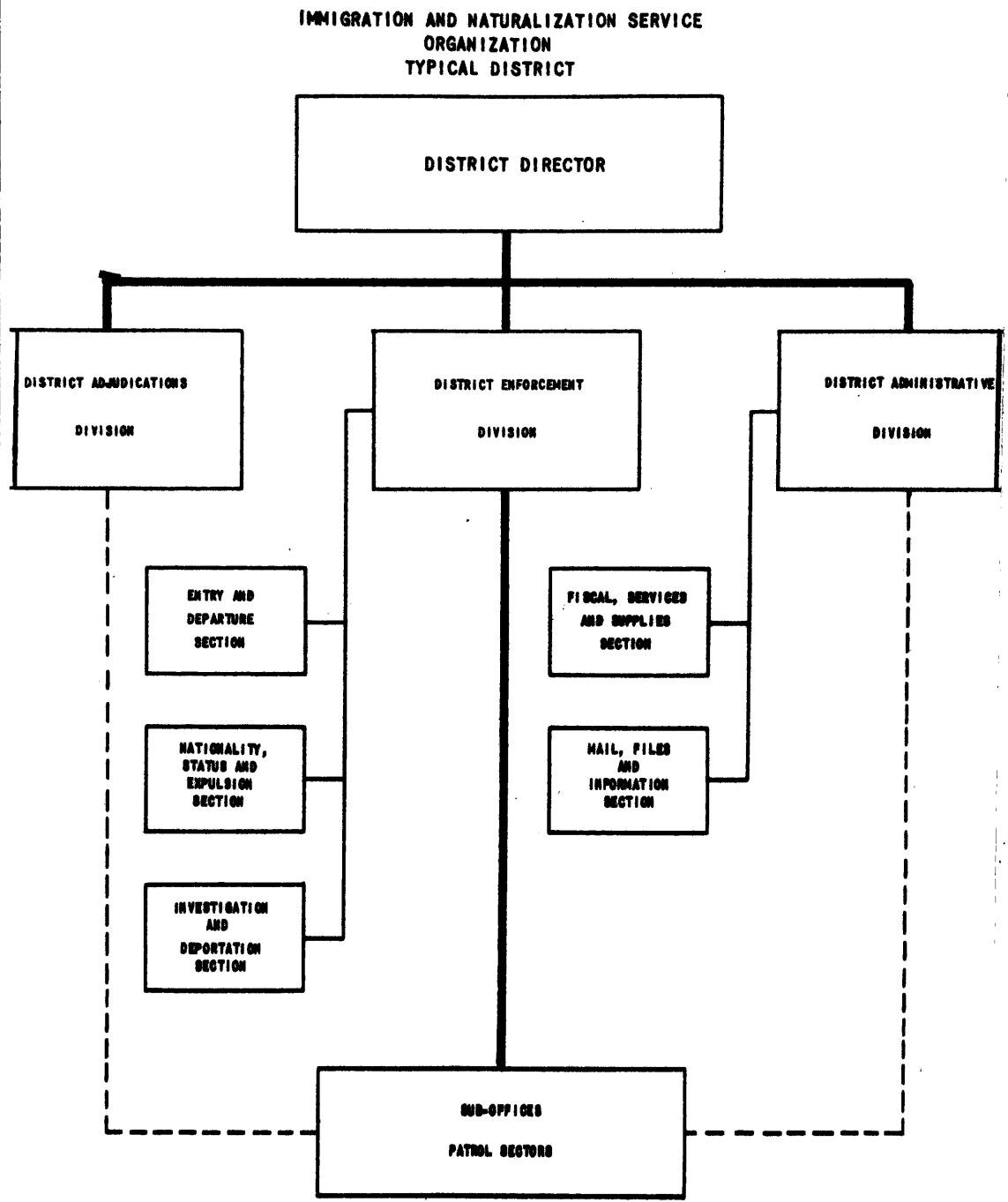
Central Office Organization



December 1, 1949

Lawson B. Miller
Commissioner

FIGURE 7



patrol problems warranted, was under the direct supervision of a District Border Patrol chief. The districts were divided into sectors according to their size, physical characteristics and problems, each sector operating under the direction of a Chief Patrol Inspector. There were from 2 to 16 patrol units in each sector. In charge of the larger units were Patrol Inspectors in Charge and of the smaller units, Senior Patrol Inspectors.¹²

For purposes of coordination each district Director was required to visit officially every suboffice, station, patrol sector, and unit headquarters in his district at least once every six months and to submit a prompt report thereafter, containing information covering each office and making appropriate recommendations to the Deputy Commissioner. Also, about once a year a conference of all 16 District Directors was held at the Central office, where various problems were discussed and ideas exchanged.¹³ Problems common to more than one district, but not to the Service generally, were considered at regional conferences, which were authorized by the

¹²United States Department of Justice, The Immigration Border Patrol (Washington: Government Printing Office, 1952), p. 5.

¹³Benjamin G. Habberton, "Coordination of the Central Office and the Field Service," Immigration and Naturalization Service Monthly Review 9:30, July, 1951.

Commissioner when he considered there to be sufficient need.¹⁴

Reorganization of 1955: the regional concept. In 1954 it was recognized that in the field of administration, it would be necessary to establish regional headquarters for supervision and management of districts within each region; to bring into these regional offices much of the administrative work now performed in the Central office and District offices; and to decentralize to the Regional offices the control and review of cases now performed in the Central office.¹⁵

This reorganization along regional lines was indicated through surveys which showed serious lack of supervision and coordination of operations at many ports of entry and other Service offices. The regional concept was set up to replace funneling of massive quantities of paper work through the Central office in Washington. Top administrators in Washington were found bogged down with routine operational activities and with little time to devote to policy determining functions.¹⁶ Also, it was

¹⁴Ibid., p. 31.

¹⁵Annual Report of the Immigration and Naturalization Service for 1954, p. 3.

¹⁶Harold E. Hulsing, "The Regional Concept," I & N Reporter, 4:29, January, 1956.

determined that in establishing the regional offices, the Government would save money by placing responsibility for all housekeeping functions at the regional level as opposed to the district level.¹⁷

It was decided that the country naturally divides into four distinct areas with respect to Service work. (See Figure 8.) The New York-New England area, the Atlantic seacoast and Gulf area, the Canadian border area, and the Southwest area were the four regions. Burlington, Vermont; St. Paul, Minnesota; San Pedro, California; and Richmond, Virginia were selected as the sites for the four regional offices.¹⁸

An additional improvement was accomplished by the realignment of District boundaries to make them coextensive with state boundaries to the extent practicable. (See Figure 9.) The area formerly controlled from Los Angeles was divided between San Francisco and El Paso. The entire State of Arizona was transferred to the El Paso District and the States of Nevada and California were placed under San Francisco, which had formerly exercised control over the greater part of both those States. Los Angeles was

¹⁷United States Congress, House, Committee on Appropriation, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956 (84th Cong., 1st Sess. Washington: Government Printing Office, 1955), p. 233.

¹⁸Ibid., p. 211.

FIGURE 8

THE IMMIGRATION AND NATURALIZATION SERVICE

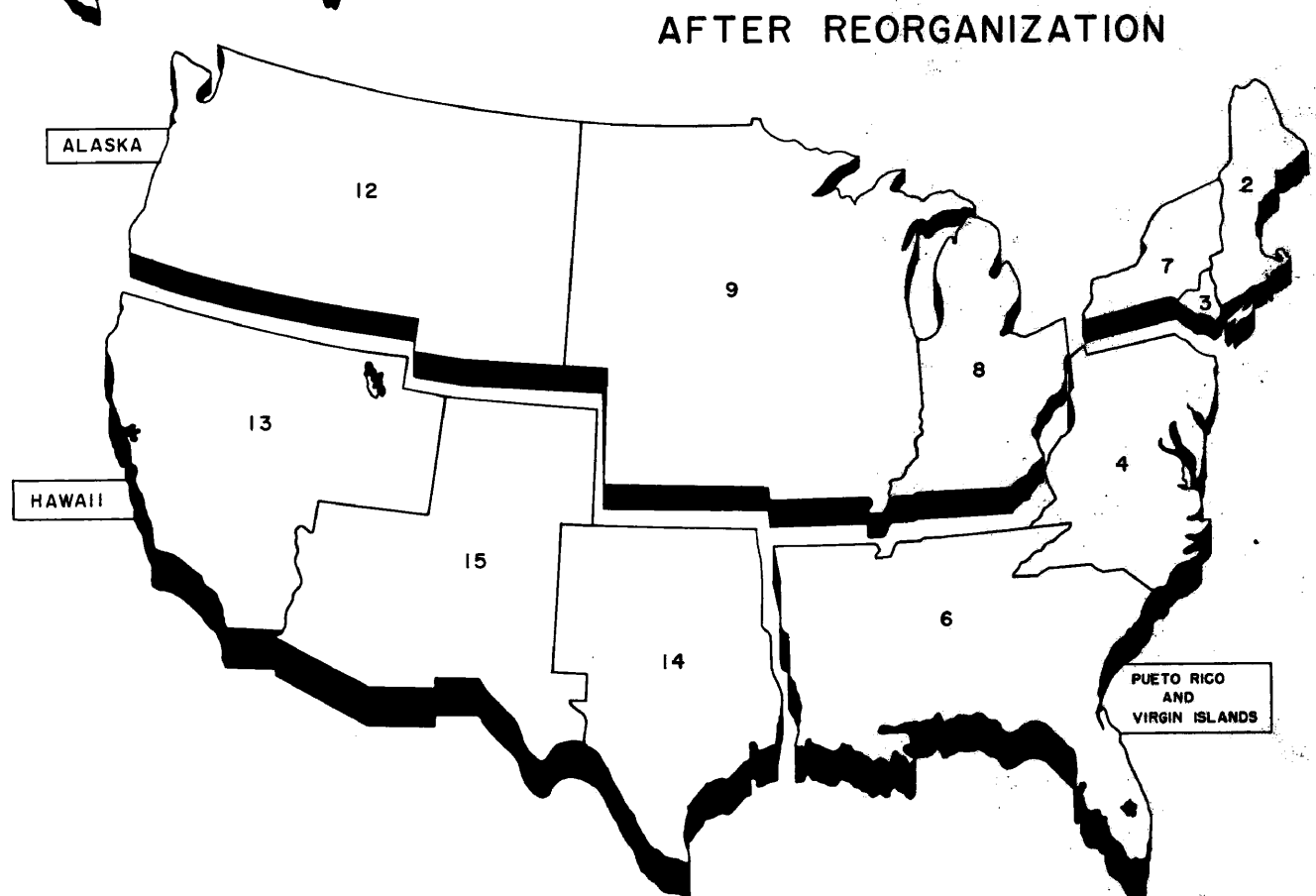
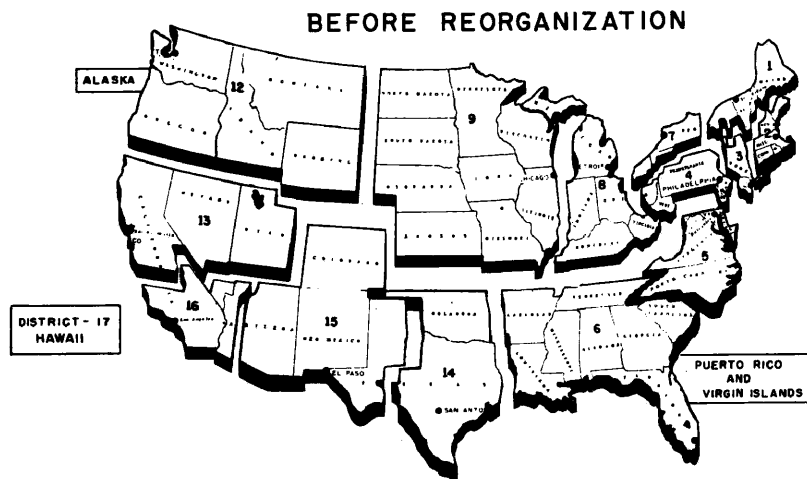
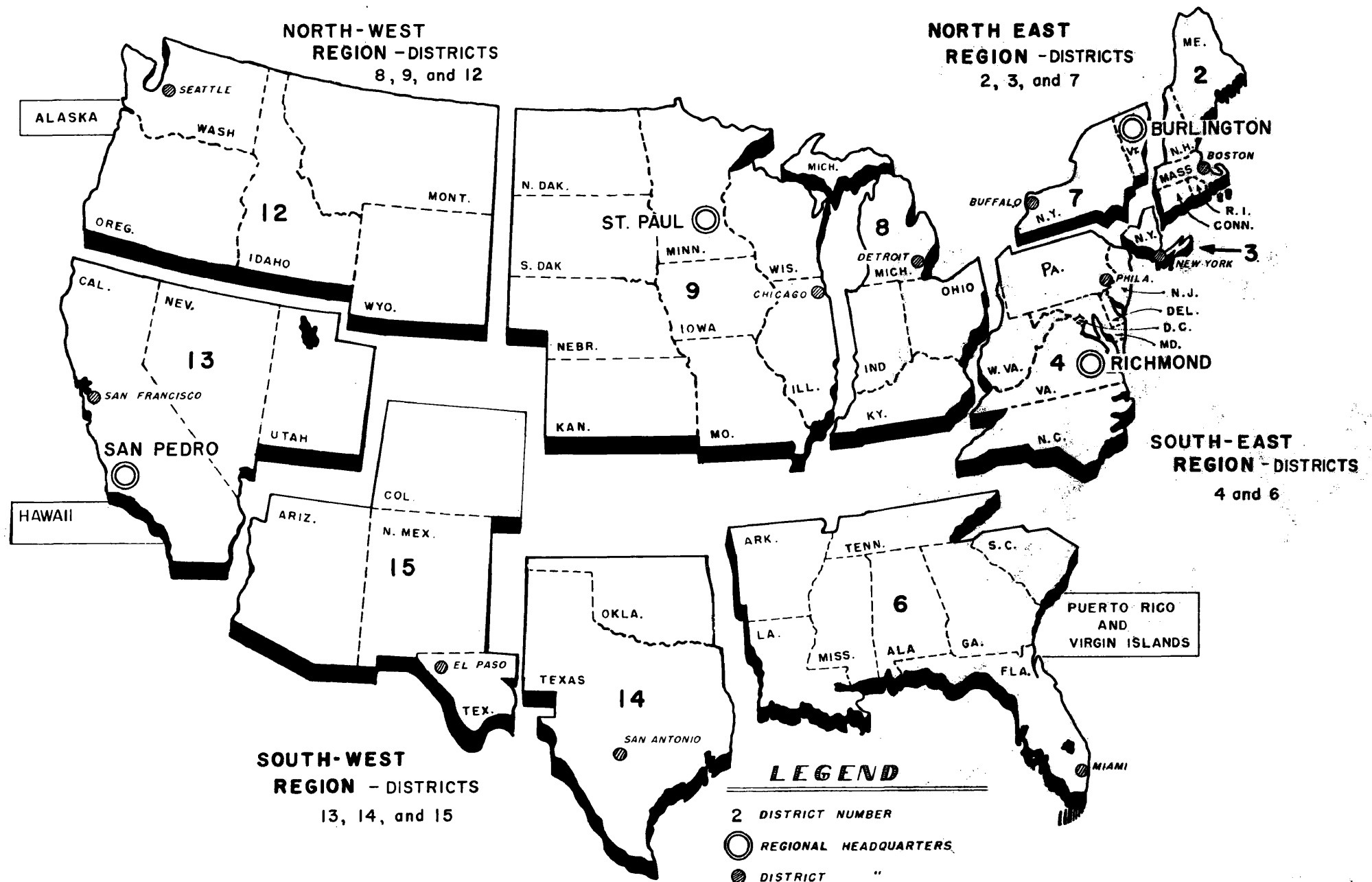


FIGURE 9

REGIONAL AND DISTRICT AREAS OF THE IMMIGRATION & NATURALIZATION SERVICE



retained as a suboffice of the San Francisco district.¹⁹ All other boundaries were made coextensive with State lines with two exceptions: West Texas matters were to be directed from El Paso and other Texas matters from San Antonio and the other exception applied to New York.²⁰ Therefore, the Southwest region, with headquarters at San Pedro, California, ended up with responsibility for Texas, Oklahoma, Colorado, New Mexico, Utah, Arizona, Nevada, California, and the Territory of Hawaii. By April, 1956, Arkansas and Wyoming had been added to the Southwest region.²¹ (See Figure 10.)

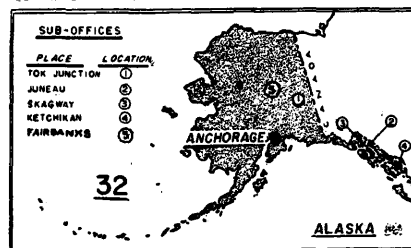
Finally, the Intelligence branch of the Immigration and Naturalization Service was established in October, 1955. The Intelligence branch includes a small force in the Central Office and an intelligence officer in each of the four Regional Offices of the Service. Also, a new air intelligence center within the framework of the Immigration Border Patrol air arm, was established at El Centro, California. This organization collects and disseminates information concerning illegal aircraft entry across the

¹⁹Ibid., p. 212.

²⁰"Reorganization of the Service," I & N Reporter 3:37, January, 1955.

²¹Hoy, op. cit., p. 45.

FIGURE 10



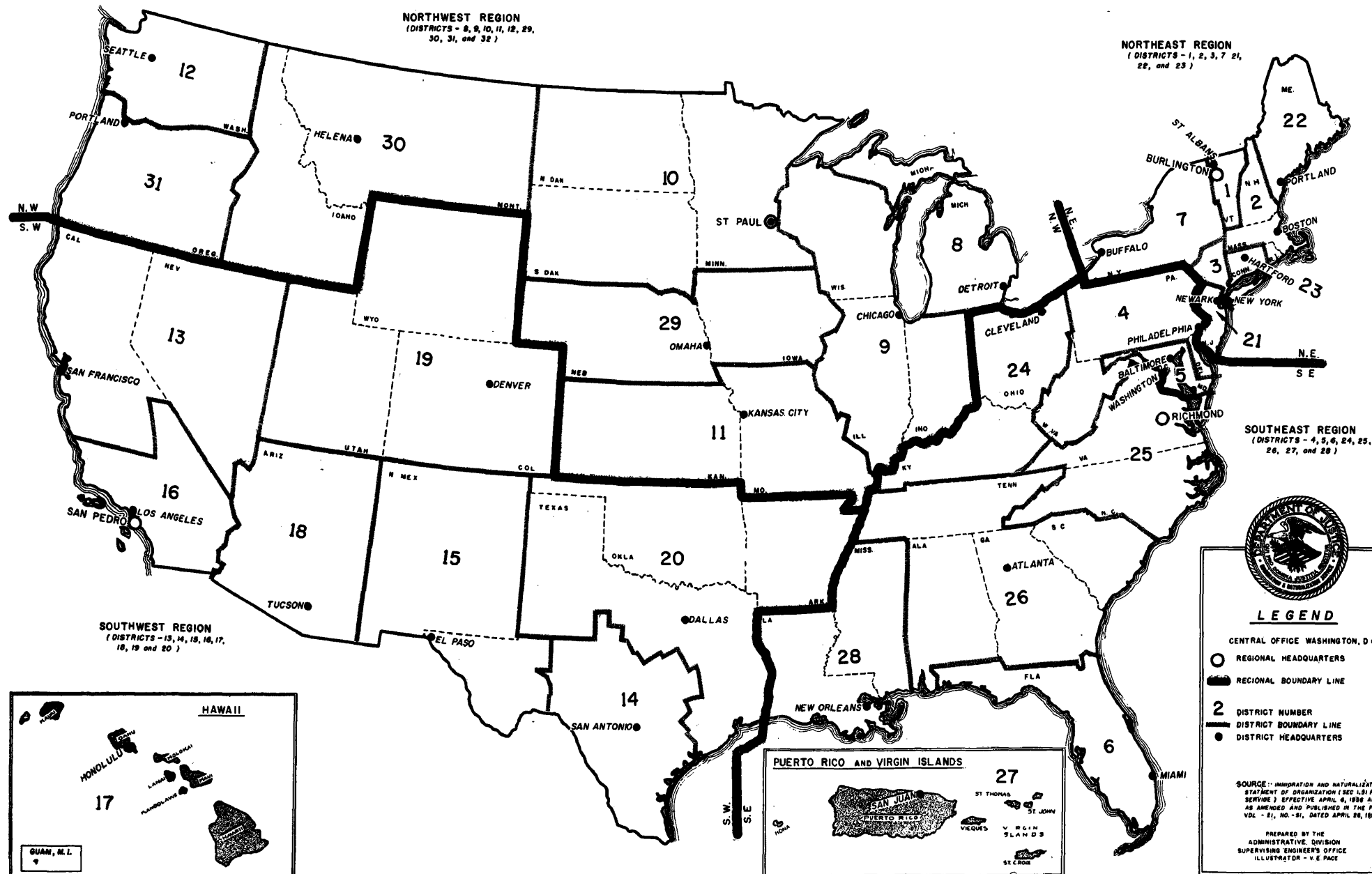
IMMIGRATION AND NATURALIZATION SERVICE

REGIONAL AND DISTRICT AREAS

IMMIGRATION STATIONS IN FOREIGN COUNTRIES

THE FOLLOWING DESIGNATED U.S. IMMIGRATION STATIONS IN FOREIGN COUNTRIES ARE WITHIN THE ORGANIZATION OF THE DISTRICTS OR REGIONS INDICATED

STATION AT	DISTRICT
HAMILTON, BERMUDA	NORTHEAST REGION
MONTREAL, QUEBEC, CANADA	ST. ALBANS, VT. - DIST. 1
QUEBEC, QUEBEC, CANADA	BUFFALO, N.Y. - DIST. 7
TORONTO, ONT., CANADA	ST. PAUL, MINN. - DIST. 10
WINNIPEG, MANITOBA, CANADA	SEATTLE, WASH. - DIST. 12
VANCOUVER, B.C., CANADA	PORTLAND, ME. - DIST. 22
VICTORIA, B.C., CANADA	
ST. JOHN, NEW BRUNSWICK, CAN.	
YARMOUTH, NOVA SCOTIA	



Mexican border.²²

In conclusion, it should be mentioned that the program of decentralization has been further implemented as reported in April, 1956, when 21 suboffices became district offices, with decision authority for all types of applications.²³

The present Immigration Border Patrol organization (see Figure 11). The Immigration Border Patrol is a part of the Enforcement Branch of the Immigration and Naturalization Service. The Assistant Commissioner, Enforcement Division, is responsible to the Commissioner of Immigration and Naturalization for Border Patrol functions. He is assisted by the Chief of Border Patrol. Border Patrol operations, at all levels, are divided into four distinct categories: Personnel, Intelligence, Operations, and Supply. The four functional areas are an integral part of Border Patrol operations. They are distinguished in the assignment of responsibilities for Border Patrol operations. The four functional areas have been assigned to Deputies and Assistants to the

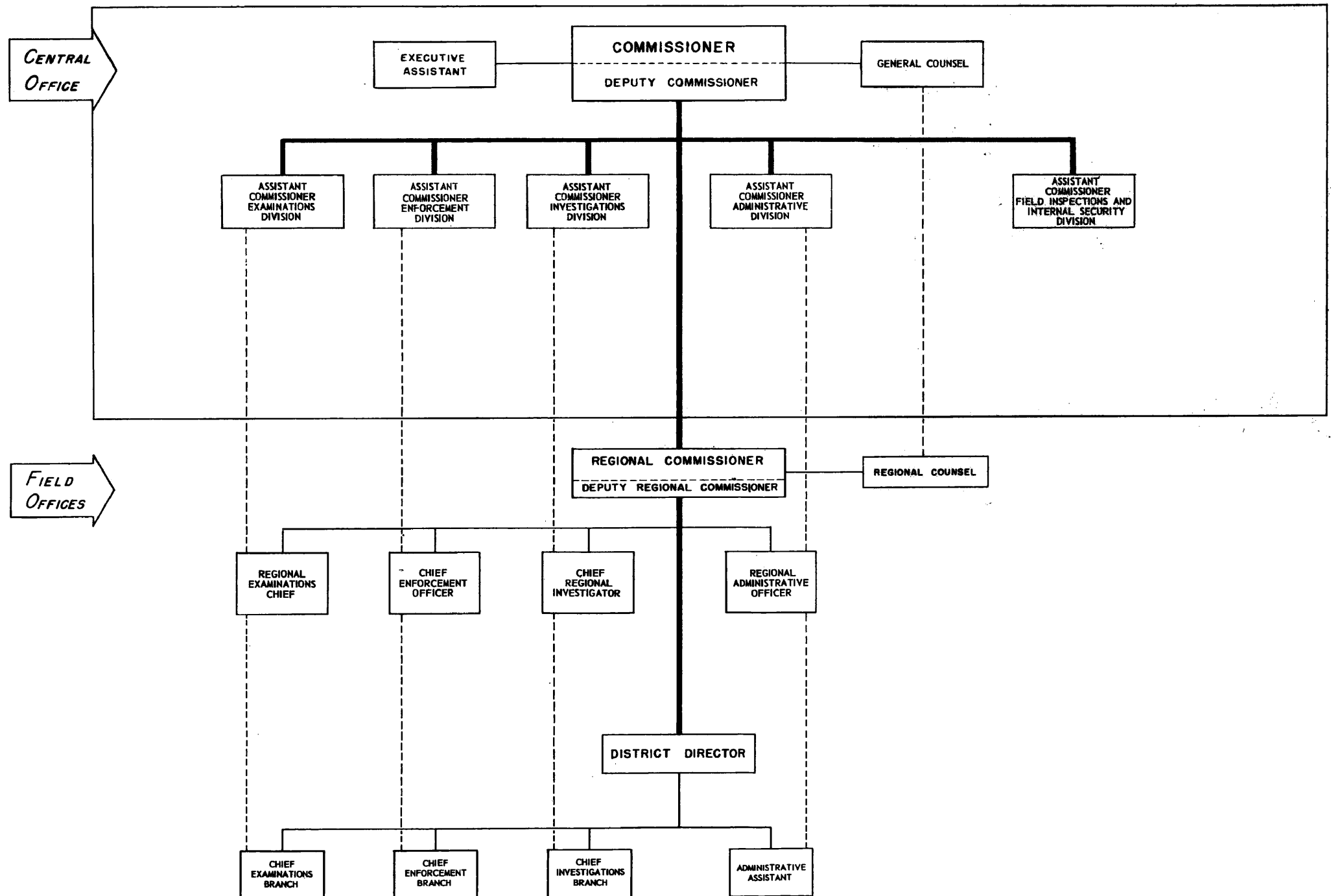
²²United States Department of Justice, Immigration and Naturalization Service, Press Release, January 3, 1955.

²³United States Department of Justice, Immigration and Naturalization Service, Press Release, August 1, 1956.

FIGURE 11

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

3



Chief of Border Patrol at the Central Office level.²⁴

Border Patrol responsibility, as well as all other responsibility and authority at Regional level, is vested in the Regional Commissioner. Regional Border Patrol functions are carried on by the Regional Chief Enforcement Officer, who, in turn, has divided the functional areas of his responsibilities as outlined above. This officer may be assisted by one or more officers, depending upon the scope of operations within his Region, complexity of problems encountered, and sensitivity of the enforcement program.

Regions are divided into Districts and, in each, a District Chief, Enforcement Branch is located. These positions were formerly at the several District offices, but have been relocated at points near the border to facilitate closer supervision and coordination between Sectors.

There are 22 Border Patrol Sectors in the United States. Each Sector is under the command of a Chief Patrol Inspector. He is assisted by from one to three Assistant Chief Patrol Inspectors, again depending upon the scope of operations, complexity of problems, and sensitivity of the Sector area. While the Chief Patrol Inspector is responsible for the entire Border Patrol program within his Sector, the division of functional areas of responsibility still exists. Through his authority these responsibilities are delegated to his assistants. In instances where one of these functional areas does not justify full-time assignment to a particular officer, two or more such functional areas are assigned to the same individual. In fact, in Sectors having only one Assistant Chief Patrol Inspector, several functions may be assigned to him. Though these functions may be assigned to any qualified officer under the supervision of a Chief Patrol Inspector, they are usually delegated to his assistants except in the case of intelligence functions, many of which are directed to the Sector Intelligence Officer.

²⁴United States Department of Justice, Immigration and Naturalization Service, Border Patrol Management (Washington: Government Printing Office, 1955), p. 6.

Sectors are composed of a number of Stations or Units. These stations are strategically located to afford maximum efficiency of personnel and equipment and thereby result in the most efficient border law enforcement possible. Personnel assigned to the different stations may vary from two Patrol Inspectors to eighty Patrol Inspectors, depending upon conditions and operations in a particular area. Each station will be under the supervision of a Senior Patrol Inspector and stations in excess of eleven men will have two or more Senior Patrol Inspectors.²⁵

Authorized Immigration Border Patrol Force²⁶

In the fiscal year of 1943, two years before the "wetback" problem began to abnormally affect the number of illegal entrants apprehended,²⁷ the total authorized Immigration Border Patrol force was the largest in its history, 1637.²⁸ This figure today still represents the largest number of authorized personnel in the history of the Immigration Border Patrol. The number of men assigned to duty on the Mexican border, 1,033, has only been exceeded in the fiscal years 1955, 1956, and 1957.²⁹

²⁵Ibid., pp. 7-8.

²⁶See Figure 12, Authorized Immigration Border Patrol Force for the Fiscal Years, 1943-1957 on page 90.

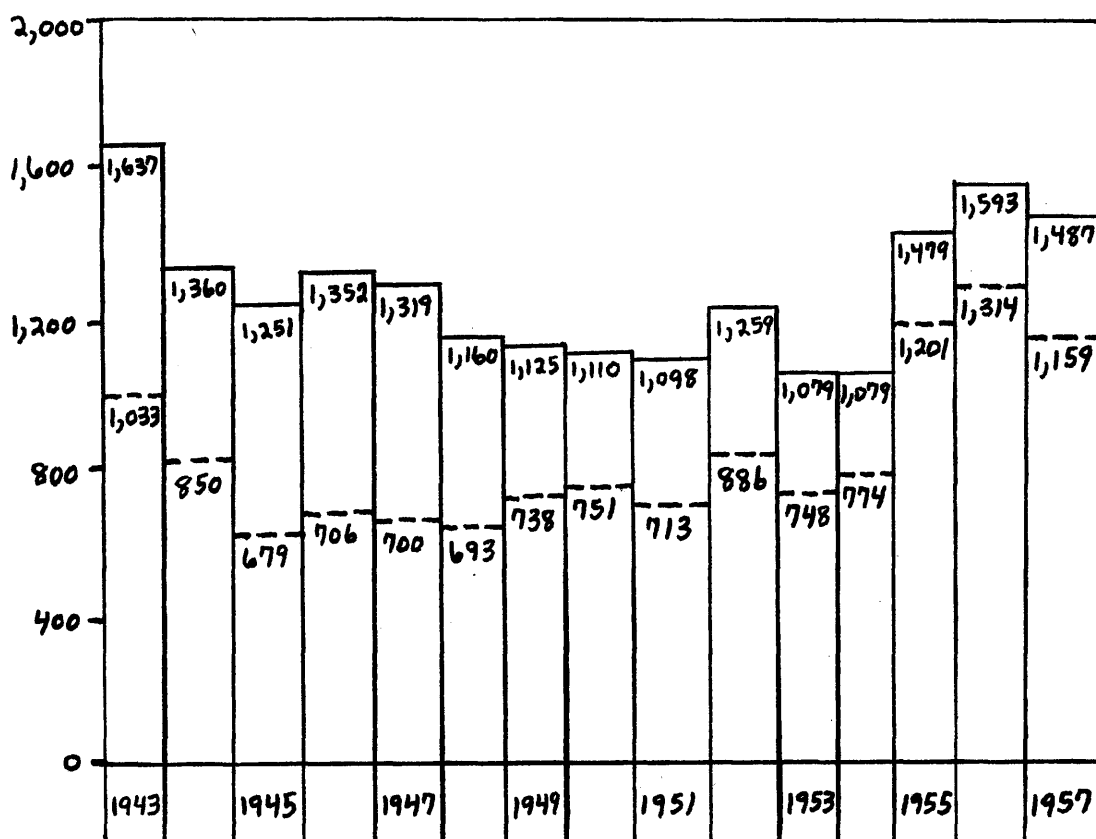
²⁷See Figure 16, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1943-1956 on page 131.

²⁸See Figure 1 Authorized Immigration Border Patrol Force for the Fiscal Years, 1925-1942 on page 28 and Figure 12 on page 90

²⁹See Figure 12, Authorized Immigration Border Patrol Force for the Fiscal Years, 1943-1957 on page 90.

FIGURE 12

AUTHORIZED IMMIGRATION BORDER PATROL FORCE
FOR THE FISCAL YEARS, 1943-1957



— Authorized positions

- - - Mexican border personnel

Source: Figures prepared by Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

However, "due to inductions of patrol officers into the armed forces and the difficulty in recruiting qualified personnel, it was impossible to keep the force at its authorized strength."³⁰

From fiscal year 1946 to fiscal year 1955 the total number of authorized personnel declined each year, except for fiscal year 1952. This was done in the face of a tremendously increasing work load as the mounting figures indicating the number of illegal entrants apprehended testify.³¹ In other words, the number of personnel were reduced yearly from the fiscal year 1946 to the fiscal year 1954, except for the fiscal year 1952, while the number of apprehensions increased enormously each fiscal year from 1945 until they exceeded 1,000,000 in 1954. This indeed appears to be strange procedure if the purpose of the Immigration Border Patrol--namely, to prevent illegal entry into the United States--were to be fulfilled. However, it should be noted that a slight and uneven increase in the number of personnel assigned to the Mexican border during this same period (fiscal year 1945 to fiscal year 1954) did take place. It became necessary to "concentrate personnel along the Mexican border because of

³⁰Annual Report of the Immigration and Naturalization Service for 1945, p. 25.

³¹See Figure 16, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1943-1956 on page 131.

the unprecedented number of aliens entering illegally there."³² This was done by moving men from the Canadian border to the Mexican border.³³

During the period fiscal year 1949 to fiscal year 1954 it may be said that roughly more than two-thirds of the total personnel of the Immigration Border Patrol was assigned to the Mexican Border. By subtracting the number of men assigned to the Mexican border from the total number of authorized Immigration Border Patrol personnel one is given the number of men left to carry out the responsibilities of the other areas. This number for the fiscal years 1946 to 1955 decreased from 646 to 278. This indicates the tremendous influence increased illegal Mexican migration has had upon the Immigration Border Patrol in terms of this factor of personnel. By fiscal year 1954 men in the Baltimore, Norfolk, Philadelphia and New York areas had to be withdrawn for purposes of strengthening the force on the southern border.³⁴

³²Annual Report of the Immigration and Naturalization Service for 1947, p. 24.

³³United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1948 (80th Cong., 1st Sess. Washington: Government Printing Office, 1947), p. 168.

³⁴United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1955 (83rd Cong., 2nd Sess. Washington: Government Printing Office, 1954), p. 186.

Then in fiscal year 1955 the authorized Immigration Border Patrol force was increased to 1479, an increase of 400 men, with the number of men on the Mexican border being increased also from 774 to 1,201, an increase of 427. This increase in men for duty on the Mexican border made "operation wetback"³⁵ possible. With these additional men, the Immigration Border Patrol in a short period of two years has secured the Mexican border. Therefore, the next personnel requirement is to strengthen the Immigration Border Patrol on the Northern border now that the Mexican border has been brought under control. "The present goal is to handle this situation eventually by reassignments without the necessity for requesting overall force increases."³⁶

Budget Appropriations for the Immigration Border Patrol³⁷

Money is important to the Immigration Border Patrol essentially because it is required to obtain the personnel

³⁵See below, page 109.

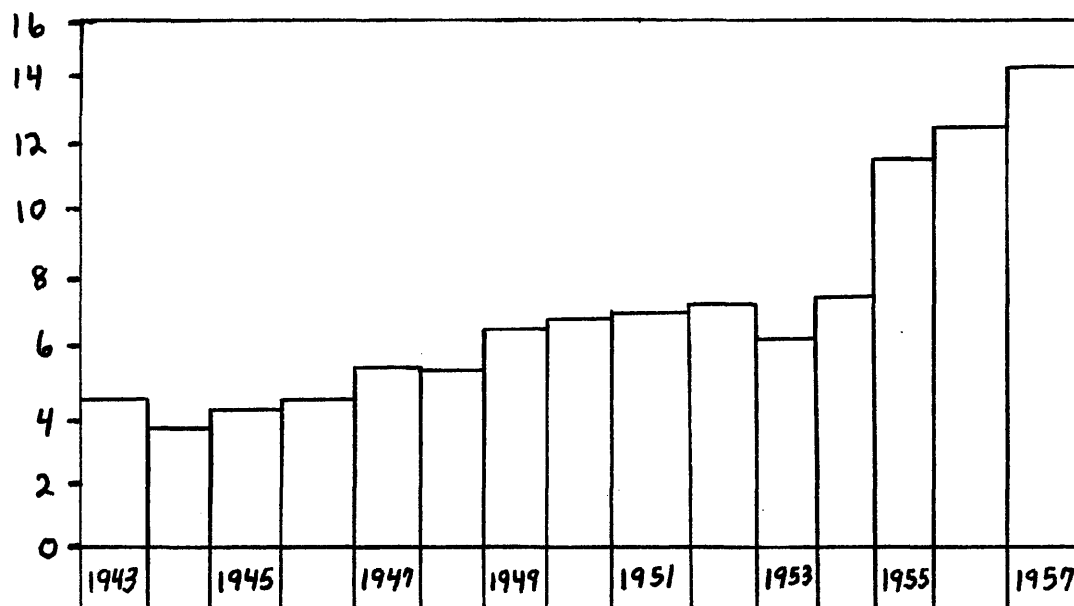
³⁶United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1957 (84th Cong., 2nd Sess. Washington: Government Printing Office, 1956), p. 273.

³⁷See Figure 13, Budget Appropriations for the Immigration Border Patrol for the Fiscal Years, 1943-1957 on page 94.

FIGURE 13

BUDGET APPROPRIATIONS FOR THE IMMIGRATION BORDER PATROL
FOR THE FISCAL YEARS, 1943-1957

IN MILLIONS



1943 - \$4,440,025	1948 - \$5,519,533	1953 - \$ 6,518,534
1944 - \$3,884,336	1949 - \$6,335,422	1954 - \$ 7,133,136
1945 - \$4,275,364	1950 - \$6,612,630	1955 - \$11,530,947
1946 - \$4,384,993	1951 - \$6,682,710	1956 - \$12,342,500*
1947 - \$5,615,897	1952 - \$7,057,223	1957 - \$14,316,300*

*Estimate

Source: United States Bureau of the Budget, The Budget of the United States Government for the Fiscal Year Ending June 30, 1943-1957 (Washington: Government Printing Office, 1942, 1956).

needed to do its job. From fiscal year 1948 to fiscal year 1954 the annual budget was increased every year except fiscal year 1953. However, the total increase for an annual appropriation from the fiscal year 1948 to the fiscal year 1954 equalled only \$1,613,603 which represented less than a 23 per cent increase. On the other hand, the number of persons apprehended for the same period fiscal year 1948 to fiscal year 1954 increased from 193,852 to 1,035,282³⁸ or approximately 400 per cent. Therefore, it is obvious the Immigration Border Patrol needed a larger appropriation increase than was granted to meet the "Wet-back" problem in terms of percentile increases. Thus, as in the case of personnel, policy dictated a slight rather than substantial increase in funds until fiscal year 1955. Then in fiscal year 1955 the appropriation totalled \$11,530,947. This represented an increase in one year of \$4,397,811, an increase larger than the total appropriation for the Immigration Border Patrol for any single fiscal year prior to 1947.³⁹ This also represented an increase of more than 60 per cent over the previous fiscal year of 1954. In other words, the decision was finally

³⁸See Figure 12, Authorized Immigration Border Patrol Force for the Fiscal Years, 1943-1957 on page 90.

³⁹See Figure 2, Budget Appropriations for the Immigration Border Patrol for the Fiscal Years, 1925-1942 on page 33 and Figure 13 on page 94.

reached in the fiscal year 1955 to secure the border; therefore, the necessary money was provided. A contributing factor in bringing about the increase in appropriations was the drawing of certain implications by the Attorney General concerning the possibility that if Mexican workers were freely entering the country then why couldn't Communist agents likewise enter the country.⁴⁰

The continued increase in appropriations contemplated for fiscal years 1956 and 1957 may be attributed to a great deal to the importance of this factor in influencing members of Congress.

II. POST-WORLD WAR II OPERATIONS

Methods of Operation

Land operations. Several operational techniques have been developed for the purpose of preventing illegal entry along the Mexican border which is in excess of 1,000 miles in length.

Special mobile force operational concept.


The primary requisites of the Immigration Border Patrol are flexibility and mobility. Flexibility of organization insures maximum efficiency in any operational situation. Mobility of force provides multiplied strength capable of

⁴⁰Annual Report of the Attorney General for 1953, p. 52.

successfully completing operational assignments anywhere in the United States where aliens might be located.⁴¹ In the Southwest Region in June, 1954, a new stratagem was devised.

Instead of spreading a thin line of Border Patrol men along the long Mexican border, like too few sand bags to dam the tide of illegal entries, all available personnel were concentrated--first in Southern California, spreading in ever widening circles, and mopping up the pools of illegal aliens as they went.⁴²

This procedure made it possible to apprehend tens of thousands of "wetbacks" from a number of areas by shifting personnel from point to point where the most critical situations were found to exist. This was done at considerable cost because it involved the payment of per diem and other travel expenses for employees away from their official stations. In addition, at perhaps some risk of leaving the Canadian border vulnerable, the force along that border was reduced so as to provide an increase of personnel along the Mexican Border.⁴³



⁴¹United States Department of Justice, Border Patrol Management, op. cit., p. 31.

⁴²Annual Report of the Immigration and Naturalization Service for 1954, p. 2.

⁴³United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1951 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1950), p. 250.

The Special Mobile Force consists of 400 officers and 70 auxiliary personnel.⁴⁴ This force is, in reality, a part of the regular Immigration Border Patrol organization in that region, but is a force capable of being detached from the sectors to which these officers are regularly assigned and mobilized on from 4 to 48 hours' notice for dispatch to any locality where their services might be needed. Although the entire Southwest Region is set up on a 12-man unit basis, the positions which have been allocated to the Special Mobile Force are divided among the Brownsville and McAllen sections of the San Antonio District and the El Centro and Chula Vista sectors of the San Francisco District.⁴⁵

In each sector, named above, two units have been designated as a "ready" unit and have been given a 4-hour mobilization designation. Each sector has two units which have been given a 12-hour mobilization, while the remaining units are on 48-hour mobilizations. The personnel within those sectors has been divided into Special Mobile Force groups of 12 men each. Each group is headed by a Senior Patrol Inspector, GS-9, a Senior Patrol Inspector, GS-8, who acts as his assistant, and 10 Patrol Inspectors. The various personnel groups rotate through the different Special Mobile Force units in such a way that a particular group will be on call for special mobile force duty for two weeks with each unit on a rotating basis. The various personnel groups, when alerted for Special Mobile Force assignment, receive

⁴⁴United States Department of Justice, Border Patrol Management, op. cit., p. 32.

⁴⁵Annual Report of the Immigration and Naturalization Service for 1955, pp. 10-12.

such assignment for an eight week period. The groups progress through the units with mobilization designations of 4, 12 and 48 hours. During the period of assignment to Special Mobile Force Units, all officers must maintain their clothing and equipment in condition for immediate departure to any point where their services might be needed. An arrangement has been placed in effect whereby officers on 4-hour alert keeps a designated officer apprised of their location if away from home and not on duty. When one of these officers attends a picture show, for example, he must first notify the control point so that they will be in a position to give him as much advance notice of a mobilization order as possible.⁴⁶

The rapidity with which the units can go into operation was demonstrated in the National Civil Defense "Operation Alert of 1955," when 16 units with full equipment and with officers in full uniform, were mobilized and in transit to assigned destinations within an average time of one hour and fifty minutes after being alerted.⁴⁷

When a need arises in a given area for additional officers to control a particular problem, a part of the Special Mobile Force unit, an entire unit, or a number of units may be called. The mobilization of units however, is always in sequence beginning with the "ready" units and progressing through units with 12 and 48 hours mobilization designations. In the event only one unit is required for a particular assignment, a "ready" unit is dispatched and the remaining units move up so that there will still be two 4-hour and 12-hour units standing by for mobilization in case of emergency.

⁴⁶United States Department of Justice, Border Patrol Management, loc. cit.

⁴⁷Annual Report of the Immigration and Naturalization Service for 1955, p. 12.

The personnel groups in "ready" units perform routine patrol duty just as they would if they were not designated for Special Mobile Force assignment, the only difference being that they utilize automotive equipment assigned to a particular Special Mobile Force unit. These vehicles are always maintained in a condition which would permit immediate utilization. All such vehicles are radio equipped and, under the present standardization of radio frequencies, may be used in conjunction with communication facilities in any sector.

In addition to the 12-man units that compose a Special Mobile Force, they may also be supported by small aircraft to furnish aerial observation and coordination of effort in air-ground operations and the heavy aircraft will be available for the speedy removal of apprehended aliens to points near the border where they can be returned to their native countries. The Special Mobile Force does not have the authority to arrange for the use of large transport type planes directly and such requests must be channelled through the District or Regional Chief Enforcement Officer so that necessary liaison work may be undertaken with the Air Operations Section of the Border Patrol.⁴⁸

The Immigration Border Patrol estimated that, due to experience, a mobile task force averaging approximately 750 men would be necessary on the Southern border. Approximately 450 officers were assigned to mobile duties, but not a part of the task force. The Service had to resort to borrowing personnel and facilities from other programs and areas. An average of 200 officers have been borrowed. This has required additional overtime and loss of leave by officers throughout the Service in order to

⁴⁸ United States Department of Justice, Border Patrol Management, op. cit., pp. 33-34.

maintain proper standards of operation in all other areas of responsibility while continuing the Mexican border operation. This condition can only be corrected by providing funds for the necessary increase in the strength of the Immigration Border Patrol.⁴⁹

River or line watch. Most of the Southern border has a defined boundary, either by river or marker. Much of the area not defined by the Rio Grande River is either mountainous or desert. Few roads cross the boundary and designated ports of entry are located on those roads. Every effort to prevent the illegal entry of aliens from Mexico at the border must be made. A large percentage of the officers assigned to that border are engaged in "river or line watch" activities. This work requires a certain amount of intelligence information. The Immigration Border Patrol must know first where aliens cross, when they cross and, whenever possible, their probable destination. After learning the time and place aliens are likely to attempt entry into the country in violation of law, officers are dispatched to those river or line crossings. This will place them in a position to intercept

⁴⁹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956 (84th Cong., 1st Sess. Washington: Government Printing Office, 1955), p. 226.

the aliens immediately after having effected entry. They will also be in a position to combat smuggling activities.⁵⁰

Sign cutting. Effective control does not presume the accomplishment of the well-nigh impossible task of preventing all illegal crossings of the border--at the international line. Nothing short of an impassable barrier could do that.⁵¹ Furthermore, as there are not enough officers to maintain surveillance of every possible crossing point twenty-four hours a day, it may be assumed that some aliens will gain entry without the knowledge of the Immigration Border Patrol. This brings us to a particular phase of patrol work which has been successfully employed since the days of the Mounted Guards in areas where aliens gain entry and then must continue some distances into the United States before losing themselves in crowds or in relatively densely populated areas. Sign cutting involves the "searching for traces of illegal crossers of the boundary and tracking them down."⁵²

⁵⁰United States Department of Justice, Border Patrol Management, op. cit., pp. 34-36.

⁵¹Helen F. Eckerson and Nick D. Collaer, "Border Patrol," Immigration and Naturalization Service Monthly Review 7:63, November, 1949.

⁵²Annual Report of the Immigration and Naturalization Service for 1949, p. 36.

The principles involved in sign cutting remain unchanged while methods have been altered with the replacement of horses by jeeps. Sign cutting assignments are usually begun at dawn and patrol teams scout areas which illegal entrants must cross and check trails and avenues followed by aliens. Upon detecting tracks presumably made by aliens, they then follow the trail until the aliens are overtaken or until it is determined that the tracks were not left by aliens.⁵³ An exception to this method of sign cutting exists in the desert areas of California and Arizona where sign cutting activities are carried on 24 hours a day.

Jeeps follow a predetermined course parallel to the border. Attached to the jeep is a drag which leaves a smooth, clear surface in the sand. The area covered by each team is small enough to permit frequent checking of the entire drag and when tracks are detected, the drag is detached from the jeep and the officers pursue the aliens immediately. The jeep headlights have been set somewhat lower than usual to facilitate tracking at night at relatively rapid speeds.⁵⁴

City scout. Patrol teams, both uniformed and in civilian clothes are utilized in the systematic checking of hotels, rooming houses, restaurants, taverns, and other places frequented by aliens. Sometimes it is necessary to use vehicles which are not distinctive in any

⁵³United States Department of Justice, Border Patrol Management, op. cit., p. 36.

⁵⁴Ibid., p. 37.

way. In other words, these officers make town checks for the purpose of apprehending aliens illegally residing or working in the United States.⁵⁵

Traffic checking. Once aliens have filtered through the Immigration Border Patrol near the border and entered into the interior of the United States, there is no adequate force to back up the Immigration Border Patrol.⁵⁶ Because of this fact standard operating procedure is to conduct line operations at the critical border points determined largely by transportation facilities and the nature of the terrain. Also, it is necessary to throw a line of back-up units across the principal avenues of travel away from the border--to screen travel from that area and apprehend illegal aliens and to search for them in the area between the border and the line established by the back-up units.⁵⁷ This road block procedure

⁵⁵United States Department of Justice, loc. cit.

⁵⁶Annual Report of the Immigration and Naturalization Service for 1946, p. 8.

⁵⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1952 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1951), p. 355.

was declared to be "our best control technique" in 1953.⁵⁸

Today traffic checking consists of road blocks, bus checking, train checking, and checking passengers at air terminals. All passengers on buses, trains and airplanes are checked as to their right to be in the United States. And for further efficiency, road blocks are mobile and are moved frequently from one point to another and from one highway to another to combat scouting by potential smugglers or other violators of Immigration laws.⁵⁹

Anti-smuggling. In order to fulfill its responsibility for investigations relating to the smuggling and illegal entry of aliens the Immigration Border Patrol established the new position of Senior Patrol Inspector (Special Detail). This officer, in each sector, is responsible for the development of informants, the correlation, evaluation and dissemination of any information which would be of value in combating alien smuggling or illegal entry of aliens. When a violation comes to the attention of this officer, he may enlist the aid of any patrol

⁵⁸United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1953 (82nd Cong., 2nd Sess. Washington: Government Printing Office, 1952), p. 197.

⁵⁹United States Department of Justice, Border Patrol Management, op. cit., p. 38.

officers who are in a position to assist. He is also authorized to bypass regular channels and to deal directly with officers in different Sectors, Districts, or even Regions when time is of the essence.⁶⁰ In other words, in order to carry out this function experience has demonstrated the need for specialization in work assignment in the interest of achieving the greatest degree of efficiency.

Farm and ranch check. As late as 1947 the Immigration Border Patrol could not go on a ranch or farm without the permission of the owner. No search warrant could be made out. Thus, the Immigration Border Patrol had no right to enter without a search warrant.⁶¹ Today this operational technique is very important and is usually accomplished in one of two ways. In many areas it has been found most efficient to dispatch patrol officers in two-man teams to check different sections of a unit's assigned area. When this method is employed there are few aliens in the vicinity and greater coverage can be obtained

⁶⁰United States Department of Justice, loc. cit.

⁶¹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1947 (79th Cong., 2nd Sess. Washington: Government Printing Office, 1946), p. 186. For further discussion concerning the use of the farm and ranch check see below pp. 158-63.

when each team works a different area, thereby preventing duplication of effort. The other method employed in farm and ranch checking operation is the utilization of Task Force units. The task force operational technique involves the concentration of personnel for purposes of spot checking specific ranches or farms thought to be harboring "Wetbacks."⁶²

Specialized methods and equipment. The pursuit of a higher degree of efficiency in law enforcement is maintained by experimenting with new methods and equipment which if proven sound are added to the standard operational procedures. Examples of specialized measures recently adopted include several interesting operational procedures. (1) Radar units are used to detect unscheduled flights across our borders. These units are set up at strategic points and are augmented by immediately available aircraft employed to intercept planes detected by radar and determine whether their flights are legal. (2) Dogs are used in line watch operations. These dogs are trained to watch for strangers and to trail them. Their superior senses make them invaluable at night. (3) Electric eyes and other electrical signaling devices are also used at

⁶²United States Department of Justice, Border Patrol Management, op. cit., p. 39.

strategic locations. They are located at points where trails or roads leading from the border converge.⁶³ By these devices our officers are alerted and can place themselves in position to apprehend the aliens soon after entry.

In addition, the value and need for fences at selected points along the border has been well established. It has been the experience of the Immigration Border Patrol that a substantial fence will, to a great extent, discourage the illegal entry of aliens. By diverting the flow of aliens away from the city areas to sections where apprehensions can be more easily accomplished, the areas can be controlled more effectively. 34.3 miles of additional fence⁶⁴ costing \$1,447,000⁶⁵ are recommended for the fiscal year 1957. An explanation of the purpose of the fences can best be stated as follows:

The fences are all placed in localities where dead-end streets come up to the banks on either side of the river. It is usually the slum areas where it is dark and there is no light. The river has a dry bed and it is practically impossible during all the hours of the night to patrol every little

⁶³Ibid., p. 40.

⁶⁴United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1957 (84th Cong., 2nd Sess. Washington: Government Printing Office, 1956), p. 273.

⁶⁵Ibid., p. 276.

individual street and intercept these illegal crossers. The fence will force these people, if they attempt to come across, to go down at either end which is open country and easily patrolled by the border patrol from their jeeps and otherwise.⁶⁶

Therefore, fences have been completed at five locations totaling 11.6 miles⁶⁷ with plans for additional fencing as indicated above being carried out to expand this program to other strategic locations. By diverting the flow of aliens away from the city boundaries to sections where apprehensions can be more easily accomplished, the areas can be controlled with a minimum force, thereby freeing officers for duty elsewhere.

"Operation Wetback." In order to gain control over a situation which had assumed such alarming proportions the Attorney General announced on June 9, 1954, that the Immigration Border Patrol would begin an operation on June 17, 1955, to rid Southern California and Western Arizona of wetbacks.⁶⁸ Over a million illegal aliens entered the United States annually;⁶⁹ therefore, it was clearly evident

⁶⁶Ibid., p. 288.

⁶⁷Annual Report of the Immigration and Naturalization Service for 1955, p. 13.

⁶⁸Annual Report of the Immigration and Naturalization Service for 1954, p. 31.

⁶⁹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956 (84th Cong., 1st Sess. Washington: Government Printing Office, 1955), p. 224.

that control on the Mexican border did not exist. In June of 1954, a special force of 750 men began operations in California to cope with this problem. Two days additional overtime each week added the equivalent of 300 additional men to this force. Similar operations began in Texas thirty days later.⁷⁰

This special force of men from all Immigration Border Patrol Sectors was assembled at El Centro and Chula Vista, California. The operation was divided into two task forces which, in turn, were divided into command units, consisting of twelve men headed by a Senior Patrol Inspector and equipped with trucks, jeeps, and automobiles. Radio-equipped vehicles formed a communications line between the unit and patrol aircraft and the task force headquarters. The aircraft pilot and observer were used to locate alien groups and direct ground units to them. When the task force went into action they used a system of blocking off an area and mopping it up. Gradually they enlarged the operation until it embraced the industrial and agricultural areas of the entire state of California.⁷¹

⁷⁰United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956, loc. cit.

⁷¹Annual Report of the Immigration and Naturalization Service for 1954, p. 31.

Buses, generally, were used to convey those apprehended to staging areas. Then to discourage illegal reentry, those apprehended were removed to the interior of Mexico by train and by ship to points distant from their place of apprehension in the United States.⁷²

The deployment of patrol officers in depth proved immediately successful.⁷³ From June, 1954, until January, 1955, more than 250,000 wetbacks were apprehended and removed to Mexico. Also, one year ago, the Immigration Border Patrol was faced with the disheartening task of apprehending and expelling more than 3,000 each day, many of them repeaters. By January, 1955, apprehensions were running slightly less than 300 daily.⁷⁴ However, it must be remembered that this was possible only because all

⁷²United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956, loc. cit.

⁷³United States Department of Justice, Immigration and Naturalization Service, Press Release, January 3, 1955.

⁷⁴The daily reports from the various sectors along the border show that almost 50 per cent of the illegal crossings are by women and children and teenagers crossing in these densely populated areas for petty thievery, scavenging, and bringing over communicable diseases. United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956 (84th Cong., 1st Sess. Washington: Government Printing Office, 1955), p. 225.

available Immigration and Naturalization Service officer personnel was used in the operation. Also, local authorities and peace officers were generous with aid and effort.⁷⁵

Advance public announcements of the intention of the Service, supported immediately by officers and equipment and sufficient force to carry them out, also played an important part in the campaign. For example:

During the summer of 1954 in South Texas alone, unassisted and at no cost to the Government, more than 63,000 illegal aliens returned to Mexico of their own accord. These were checked across the bridges. In California, they were fleeing southward at such a rate it was impossible to count them.⁷⁶

Another invaluable aid in solution of the problem was the whole-hearted support of the Mexican Government. Mexican officials "realizing that their countrymen lived under unsanitary, poorly paid conditions as wetbacks extended aid in the repatriation of Mexican nationals."⁷⁷

Finally, increase in the use of controlled, legally

⁷⁵J. M. Swing, "A Workable Labor Program," I & N Reporter 4:15, November, 1955.

⁷⁶United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956 (84th Cong., 1st Sess. Washington: Government Printing Office, 1955), p. 224.

⁷⁷Swing, loc. cit.

admitted contract laborers further points up the success of the program. In July, 1953, there were only 1,200 such workers in the lower Rio Grande Valley of Texas. With the following month there were approximately 60,000.⁷⁸

In conclusion and in summary form what were the final results obtained through "Operation Wetback." This operation reduced illegal entries in the Southwest by more than 86.4 per cent (see Figure 14 and Figure 15), reduced the alien crime rate, and allowed the Service to shift its investigative strength to criminal and subversive cases.⁷⁹ Also, it led to a 54 per cent increase in 1954 in the number of legally admitted Mexican workers and provided that some 30,000 Americans residing in South Texas who customarily were forced to migrate northward for seasonal work to remain at home in the summer of 1954 due to higher wages and better conditions brought about by the absence of wetbacks.⁸⁰ Finally, the State of California benefited in many ways such as a drop in weekly unemployment claims in the State amounting to some \$325,000 due to the forced

⁷⁸United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State and Justice, the Judiciary, and Related Agencies Appropriations for 1956, loc. cit.

⁷⁹United States Department of Justice, Immigration and Naturalization Service, Press Release, July 20, 1955.

⁸⁰Swing, op. cit., pp. 15-16.

FIGURE 14

BORDER PATROL APPREHENSIONS **FISCAL YEARS 1954 - 1955 - 1956**

**(Showing Decrease In Illegal Alien Traffic
Following "OPERATION WETBACK," In 1954)**

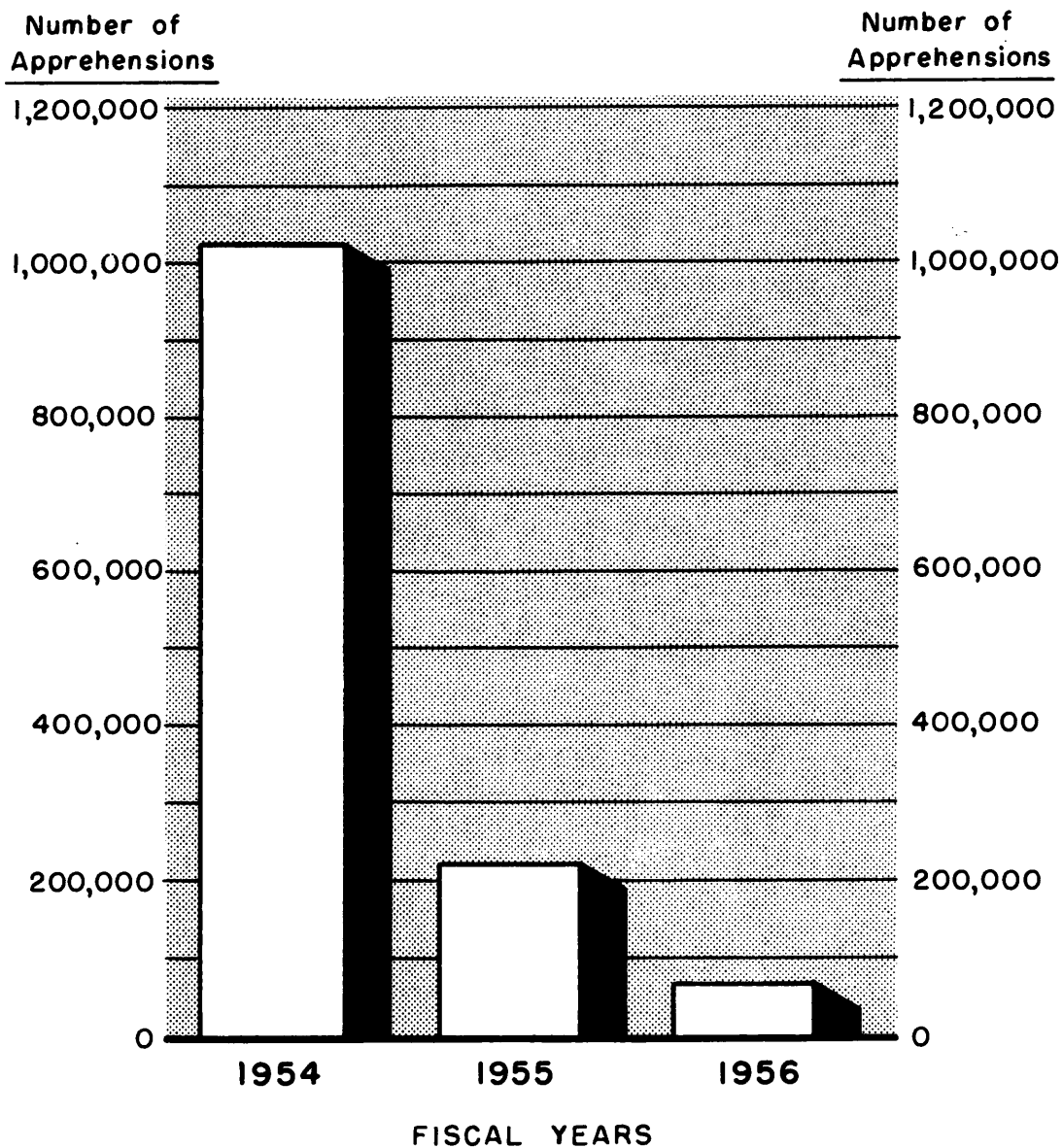
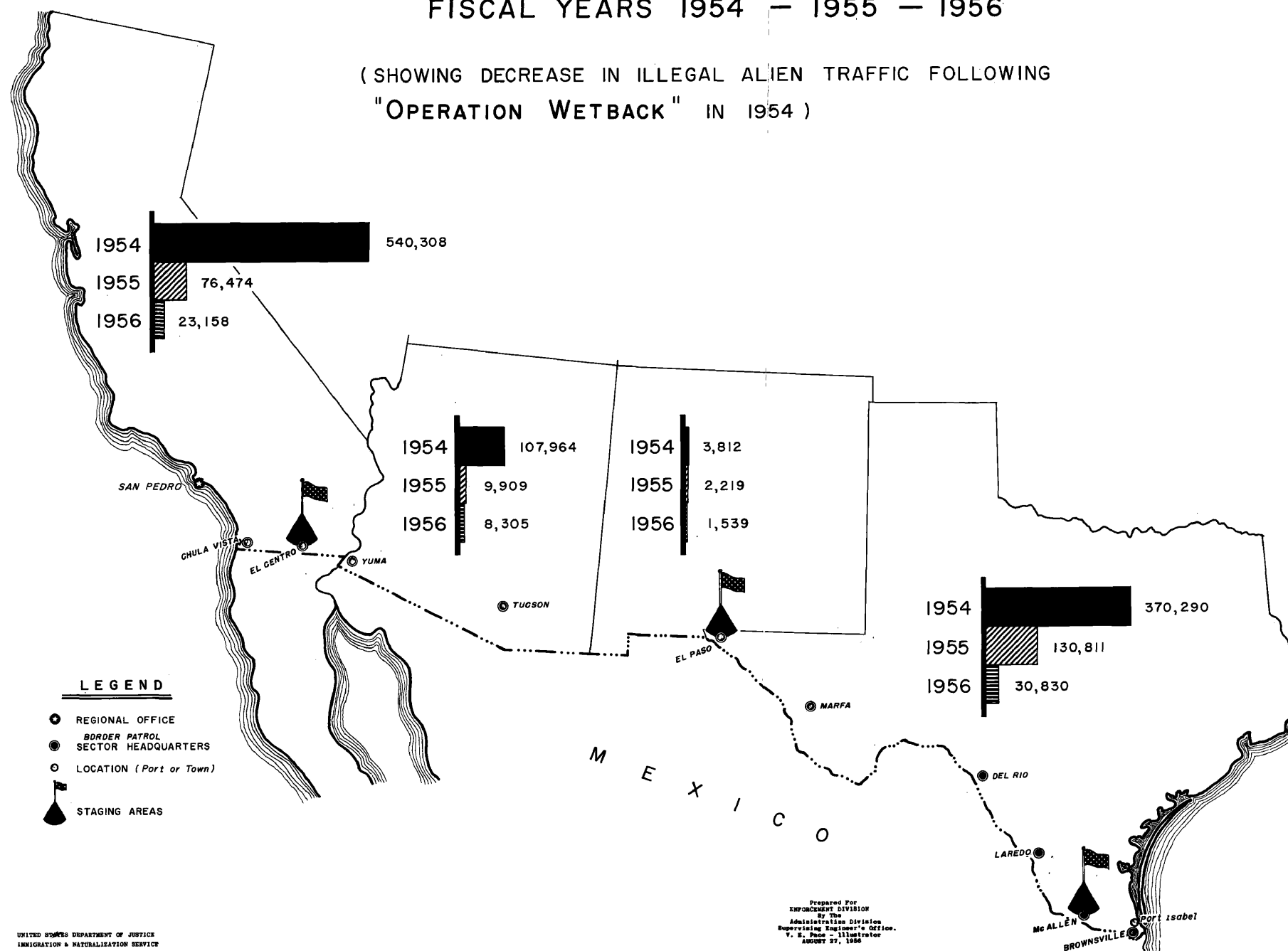


FIGURE 15

BORDER PATROL APPREHENSIONS - BY STATE

FISCAL YEARS 1954 - 1955 - 1956

(SHOWING DECREASE IN ILLEGAL ALIEN TRAFFIC FOLLOWING
"OPERATION WETBACK" IN 1954)



departure of wetbacks from the United States.⁸¹

Sea operations. One of the problems inherent in holding a defined line, such as the Mexican or Canadian border, is the possibility of "end runs" by smugglers and illegal entrants. With the tightening of line-holding operations on both borders, it could be anticipated that smugglers in particular would be giving the "ends" considerably more attention. As both borders terminate at the sea special tactics are required to prevent the use of the nearby sea approaches as avenues of entry.

The shrimping fleet, along our Gulf Coast, with unrestricted trips to Mexican coastal waters, presents an ever-present means of effecting an illegal entry at innumerable points along the United States coast. A similar hazard exists along the Pacific Coast, where, in addition to the commercial fishing fleets, there are thousands of small pleasure crafts suitable for transporting aliens and contraband.⁸²

To meet this situation, one additional patrol boat was placed in operation at Brownsville, Texas; one in Miami, Florida; and three boats were purchased for use at San Diego and San Pedro, California, and Blaine, Washington.⁸³

⁸¹Annual Report of the Immigration and Naturalization Service for 1954, p. 32.

⁸²Annual Report of the Immigration and Naturalization Service for 1955, p. 12.

⁸³Loc. cit.

Air operations: alien apprehension. The Immigration Border Patrol has maintained an air arm for a number of years. It first acquired several autogyros in 1941. While this type plane did not prove to be a suitable aircraft for patrol work, it did establish that aerial observation is invaluable to patrol operations in farming and ranching areas. The main reason why the autogyro failed may be stated as follows:

The altitude over the greater part of the El Paso district is very close to 4,000 feet above sea level and the rainfall is practically nil, which makes the air extremely light and dry. Because of this light, dry air, takeoffs and landings in the autogyro were very difficult and hazardous and the lack of lifting power permitted the carrying of very little gas, in some cases only enough for about an hour's flight.⁸⁴

Use of aircraft on patrol work ceased during World War II. However, in 1946 three conventional Stinson L-5 airplanes were obtained for patrol work.⁸⁵ As planes became more widely accepted for efficient patrol operation, additional ships were added to the fleet and "by 1953 each sector on the Southern Border had at least one plane and one assigned pilot."⁸⁶ At the present time the Immigration

⁸⁴Griffith J. McBee, "Air-Jeep Patrolling Operations in the El Paso Area," Immigration and Naturalization Monthly Review 8:43, October, 1950.

⁸⁵Annual Report of the Immigration and Naturalization Service for 1946, p. 29.

⁸⁶Parker, op. cit., p. 17.

Border Patrol has twenty-three airplanes including eighteen small planes which are used for observation and air-ground activities.⁸⁷

The Immigration Border Patrol discovered that before an air patrol could function effectively it would have to be supplemented with an effective ground patrol. Therefore the airplane really came into its own when a number of Army-type jeeps were added to the automobile fleet of the Immigration Border Patrol in 1947.

The jeep quickly demonstrated that it could furnish the ground support so badly needed by our airborne patrols and as a result pushed the horse almost completely out of the patrol picture. This vehicle is a small, compact, sturdily built machine, with a very powerful four-cylinder engine that delivers power to all four wheels through a gear arrangement that provides six forward and two reverse speeds. The jeep carries very little body and top weight. The body consists of a sheet metal box about 12 inches in depth, while the top is made of metal tubing covered with heavy canvas. The engine oil pan and transmission are protected from rocks, stumps, and road humps by heavy sheet metal shields. A jeep can easily cover country that previously could only be covered by horse or foot patrols. Because of its greater speed and unlimited staying power it will do as much patrol work as 10 horses with the added advantage that aliens can be conveyed from the place of arrest to a place of detention. No doubt the Army will agree with El Paso patrol officers who are convinced the jeep is the most versatile and useful piece of rolling equipment developed during World War II.⁸⁸

⁸⁷United States Department of Justice, Border Patrol Management, op. cit., p. 61.

⁸⁸McBee, op. cit., p. 44.

During the early development of air-ground operations, neither the pilots nor the patrolmen in ground units were properly equipped for the task they had undertaken. Communications were usually poor. The planes had radios with which they could contact headquarters, but most mobile radio units in patrol vehicles were outdated and functioned only a small percentage of the time. Since very few radio equipped patrol cars were available and communications were so unreliable, a system of signals was usually agreed upon by the pilot and the ground team before they began searching for aliens.

Pilots carried pads of paper and upon locating aliens, frequently dropped notes to the patrol team directing them to the suspects. Another method employed by pilots after they had managed to get the patrol team into an area where aliens were located, such as in fields or brush lands, was to make a pass directly over the aliens from one direction and then circle and make a second pass over them at right angles to the first line of flight. This would let the ground team know that their subjects were directly below the point where the plane's flight pattern had crossed. Though this system was moderately successful, the patrolmen frequently were unable to locate aliens hiding in tall cotton, or other vegetation and pilots would then have to fly over them at low altitudes, chop the throttle when immediately above the patrolmen and call direction to them by voice. This, of course, was extremely dangerous and was a practice to be avoided whenever possible.⁸⁹

During the past several years more radio units have been purchased. Very little two-way radio equipment had

⁸⁹United States Department of Justice, Border Patrol Management, op. cit., p. 57.

been available and that which was available had to operate on low frequencies which were inclined to skip and fade in the desert country.⁹⁰ However, during 1951 the old AM sets were discarded in most areas and FM type radios installed in almost all units utilized in air-ground operations. Now FM radio extends across the entire Mexican border. The result has been that the Immigration Border Patrol now has almost perfect static free reception.⁹¹ Pilots can now converse with ground units from several miles distance. The planes are capable, through improved communications, of directing twelve or fifteen mobile units simultaneously.

Several problems were encountered in the old air-ground operations which have now been overcome. Formerly, operation of the plane had to be very closely coordinated with patrol team movements. The presence of a patrol plane circling, flying off a short distance and returning to the same area repeatedly was all the warning many aliens needed to know that the patrol was near and that it was time to run or hide. Such close coordination made it impossible for a plane to direct effectively more than one or two ground teams. After having directed a team to a field where aliens had been observed the plane could only fly around in the vicinity until the patrol team had

⁹⁰McBee, loc. cit.

⁹¹Annual Report of the Immigration and Naturalization Service for 1951, p. 42.

completed checking suspects and was ready for another assignment. With the acquisition of efficient radio equipment planes were able to fly along as if on a scouting mission and relay all information obtained to the patrol teams. Aliens were unable to tell whether the plane was operating independently or in conjunction with ground units and frequently fled upon sighting the plane only to discover after having lain in waiting for some time that no patrol officers were in the area.⁹²

⁹²A number of tricks have been employed by aliens to escape apprehension. (1) Possibly the most frequently used of these tricks is that of walking backwards when a known or suspected Border Patrol sign cutting path is reached. The illegal entrant using this ruse no doubt believes that patrolman cutting sign would think he was returning to Mexico. This trick probably worked in a few cases, but now the sign cutter knows that he can find the true direction of travel by following the tracks a short distance either to the North or South. A person can't walk backwards very far, especially in sand. (2) Then there is the fellow who walks backward, carefully placing his feet in his old tracks until he reaches a hard strip of ground or railroad where he makes no sign, then changes his direction of travel. This type of smart alien will resume his original course after going the wrong direction for a few minutes so the Jeep crew makes a circle or a series of circles each larger than the preceding one until they pick up the new trail. (3) An out of the ordinary but hard working alien, is the walker who crosses roads or paths where he thinks our men are "cutting sign," on his hands and knees. These crawlers never fool anyone. The greenest patrol officer will follow their trail to find out what kind of an animal made it. (4) About last on the list is the alien who brushes across his trail with a branch of a tree or similar sweeping tool, obliterating his tracks. The swept path is easier to follow than foot-prints. McBee, op. cit., pp. 45-46.

Observation planes could not only advise patrolmen of the field or road upon which aliens had been observed but could give the exact position of the suspects and outline a route for entering a given area which would cut the aliens off from possible avenues of escape. In many sections of the country, aliens enter unlawfully and make camps. These camps are most easily found from the air. In fact, "in some places they are so well concealed and so remote from roads that it is only by air that they are successfully found."⁹³

Direct radio communication between patrol teams makes it possible in many cases to "double-jeep" fast travelling groups of illegal entrants.

In double-jeeping, one vehicle works near the boundary line and when the tracks of aliens are found, follows them until their course and probable destination has been determined. This information is then radioed to the second jeep, which is usually stationed some 10 to 15 miles north of the line. This second jeep frequently has to move only a short distance in order to intercept the walkers, leaving the first jeep free to continue cutting sign.⁹⁴

⁹³United States, Department of Justice, Border Patrol Management, op. cit., p. 58.

⁹⁴United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1952 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1951), p. 419.

Patrol officers assigned to the El Paso-Mt. Riley sector have developed a system of night sign cutting and trailing that is quite novel and has resulted in the capture of thousands of aliens who were attempting to enter through this sector during night hours.

Shortly before darkness sets in, a steel road drag is pulled by a jeep over a path paralleling the boundary line for several miles in an area used almost exclusively by night crossers. This drag completely wipes out all old sign made by previous crossers. The dragged strip is then constantly patrolled by Jeep details who, when they find sign crossing it, can tell almost to the minute when the tracks were made and estimate very closely the distance they will have to travel to overtake the walker. The alien's trail across the loose sand can be easily followed by the Jeep's headlights which are often supplemented by a powered hand searchlight which can be operated from a portable battery or the vehicle's electrical system.⁹⁵

A new technique was developed by the Immigration Border Patrol in the Imperial Valley area of the San Francisco District.

Flight is made over a selected area and the observer notes the locations of suspected groups which are usually encamped on ditch banks or on the edge of the desert. A marked map is then delivered to a Patrol Inspector-in-charge who plans the activities of his crews or "teams" so that they can visit all of the suspected locations within the ensuing 24 to 48 hours. It is not unusual for several hundred apprehensions to be made as the result of observations made on a single flight.⁹⁶

⁹⁵McBee, op. cit., p. 45.

⁹⁶Loc. cit.

In addition to the acquisition of efficient radio units, loudspeakers were installed in the planes used for this type of work. The pilots could direct officers who had left their vehicles and were walking in the fields or brush land to an alien's exact position. The loudspeakers were also successfully used in directing large groups of aliens during the task operation in California and Texas by advising them to return home. Planes now being purchased are equipped with factory installed loudspeakers. They are counter sunk in the fuselage and offer no wind resistance.⁹⁷

Immigration Border Patrol planes also provided an effective means of combating alien smuggling,

The Border Patrol planes also provide an effective means of combating alien smuggling, not only by land, but by sea and air as well. They are used to furnish rapid transportation of interceptive forces; to keep under surveillance suspected aircraft and boats; to establish and maintain contact at widespread airports; and to make fast and repeated searches for smugglers, boats, planes, and automobiles, as well as for the smugglers and aliens after a landing is made.⁹⁸

This method of patrolling the Mexican border has provided the most effective use of Immigration Border Patrol personnel in their efforts to eliminate the "wetback"

⁹⁷Carusi, "Border Patrol Use of Aircraft," op. cit., p. 137.

⁹⁸United States Department of Justice, Border Patrol Management, op. cit., p. 59.

problem and is "in fact the only means of covering the entire Mexican border at reasonably short intervals."⁹⁹ However, it must never be overlooked that this method of operation has very dangerous characteristics.

Aircraft in the Border Patrol is used in a very hazardous operation over rough and barren country along the Mexican border in the Southwest. The work is made especially hazardous by the fact that the planes are used in scouting as close to the ground as possible and at as low speed as a plane will fly. Planes are usually flown in scouting operations at 150 or 250 feet off the ground and with a speed down to 50 miles per hour. The Border Patrol has had in the last few years numerous accidents caused almost entirely by this method of operation. Only the slightest motor failure at such elevation is sufficient to crash the ship.¹⁰⁰

For operational purposes, the air arm is divided into two basic branches. These are the small observation aircraft and the large transport ships. The larger ships are controlled directly by the Chief, Air Operations in the Central Office through a Regional Chief at San Pedro, California, while the small planes and their pilots are assigned to the various sectors and are under the direct supervision of the Chief Patrol Inspectors. The assignment of the small planes, of course, is the responsibility of the Chief of Air Operations at the Central Office, but the operational utilization of such planes is the responsibility

⁹⁹Annual Report of the Attorney-General for 1953, pp. 51-52.

¹⁰⁰Carusi. "Border Patrol Use of Aircraft." loc. cit.

of the various Sector Chiefs.¹⁰¹

At present there are twenty-three airplanes including eighteen small planes which are used for observation and air-ground activities and five cargo planes used for the airlift. The eighteen small planes are:

. . . owned outright by this Service while the five cargo planes are on a loan basis from the Air Force and operated by Service personnel. The small observation planes are assigned as follows: one, Northeast Region; one, Northwest Region; one, Miami Sector; 15, Southwest Region.

One of the C-47's is based at Washington while the other C-47 and two C-46's are based at Brownsville, Texas, and one C-46 is based at El Centro, California. The dispatch of the planes is controlled at Brownsville while over-all control is maintained at the Central Office for this particular type aircraft.¹⁰²

The discussion of air operations has dealt only with the activities of the air arm of the Immigration Border Patrol with regard to alien apprehension. In the section entitled Deportation and Voluntary Departures the other very important activity of the air arm; namely, alien expulsion through the airlift, shall be discussed.

¹⁰¹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1952 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1951), p. 419.

¹⁰²United States Department of Justice, Border Patrol Management, op. cit., p. 60.

Intelligence. The Immigration Border Patrol has always employed intelligence processes in one form or another. The individual Patrol Inspector was encouraged to develop his own sources of information. Supervisory officers have been constantly alert to changing conditions and have attempted to keep themselves well informed, but lacking an established system or nation-wide organization, the intelligence was not usually disseminated beyond sector boundaries. Items of intelligence secured by the individual officer were often disregarded because he either had no use for them or failed to recognize their significance because of his limited field of operations.

The January 3, 1955, reorganization established supervision at centralized points within the regions and emphasized the need for a unified system of collection, evaluation, and dissemination of intelligence. On February 4, 1955, the Immigration Border Patrol Intelligence Organization was established.¹⁰³ Intelligence officers have been designated at the District and Regional levels and in the Central Office a Deputy Chief, Border Patrol Branch, is in charge of the organization. Areas of responsibility have been defined within the organizational framework of the Immigration Border Patrol. The Sector

¹⁰³Annual Report of the Immigration and Naturalization Service for 1955, p. 12.

Intelligence Officer is the key man in the organization. He is a specialist of proven ability who devotes all of his time and energies to the intelligence program. The responsibility lies with him to give assistance and training to all Patrol Inspectors and to maintain intelligence consciousness among all officers in the sector.. The Patrol Inspector while carrying out his normal patrol duties is still the basic officer in the intelligence structure. Obviously, as more contacts are established, more items of significance will be reported.¹⁰⁴

Three types of Intelligence may be distinguished.¹⁰⁵ Strategic intelligence is information that provides the knowledge required by the top echelon officers in formulating long range programs and policies. For example, information indicating an approaching serious domestic labor supply shortage certainly would signify the probable necessity for expecting an increase in illegal farm migrants thus requiring an increased emphasis in border security operations. Tactical intelligence is that which concerns the immediate or future actions of people engaged in immigration law violations, and counteractive measures to be taken by the Immigration Border Patrol.

¹⁰⁴United States Department of Justice, Border Patrol Management, op. cit., pp. 42-43.

¹⁰⁵Ibid., pp. 43-44.

For example, information by air reconnaissance that a large group of people, apparently farm laborers, had gathered on the Mexican side of the Rio Grande at some spot at about 5 P.M. and appeared to be making preparations to enter illegally at nightfall would probably indicate that men to cover that spot should be assigned to watch for their probable entry immediately after dark. Finally, counterintelligence consists of those measures which are taken to prevent the gathering of accurate intelligence regarding our operations by immigration law violators. Counterintelligence may also include the dissemination of information by Supervisory Border Patrol officers designed to confuse law violators or encourage them to arrive at conclusions beneficent to the Immigration Border Patrol. An outstanding example of this occurred in the late summer of 1954 when the Special Task Forces swept into Southern Texas.

Maximum security prevailed throughout the operation and information concerning exact officer strength and the organization of the units was kept strictly within the ranks of the officers assigned to the operation. Cleverly worded press releases plus an ostentatious display of men and equipment created an impression of greater strength than actually existed. A hostile press contributed to the illusion by constantly referring to the Task Force as an invading army and by using such superlatives as "hordes" and "battalions" when writing about small groups of officers. Without a doubt this "show of strength" contributed greatly to the exodus of aliens that fled across the Rio Grande to escape apprehension. It also seems reasonable

to assume that the sudden acceptance of the Bracero program by many of the farmers was at least partially induced by these counterintelligence measures.¹⁰⁶

In addition, a new air intelligence center was also set up at El Centro, California, to collect and disseminate information relating to illegal aircraft entries across the Mexican border.¹⁰⁷

Persons Apprehended by the Immigration Border Patrol¹⁰⁸

From the fiscal year of 1943 through the fiscal year of 1948 apprehensions rose steadily from 11,175 to just short of 200,000. Then in the fiscal year of 1949 the number of apprehensions began to rise in leaps and bounds each year until the highpoint of 1,035,282 was reached in fiscal year 1954. A drastic reorganization of the Immigration Border Patrol took place in 1955 and it evidently had very significant effects upon the number of persons apprehended. The total number of persons apprehended for the fiscal year of 1955 was 254,096, the lowest it had been since the fiscal year of 1948. Then in

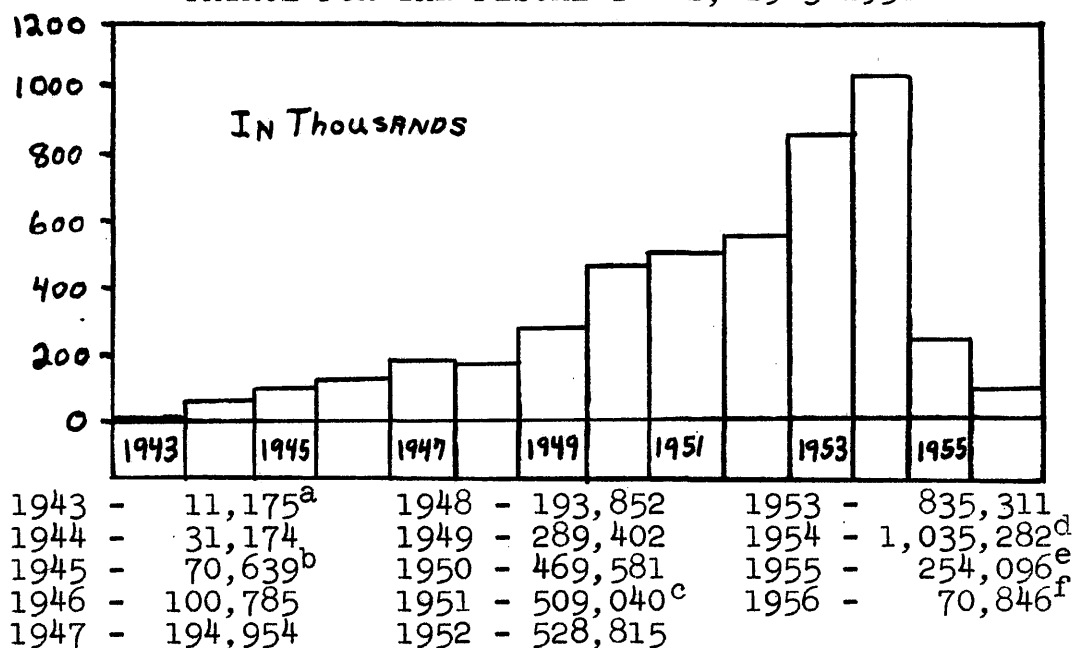
¹⁰⁶Ibid., p. 53.

¹⁰⁷Annual Report of the Immigration and Naturalization Service for 1955, p. 13.

¹⁰⁸See Figure 16, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1943-1956 on page 131.

FIGURE 16

PERSONS APPREHENDED BY THE IMMIGRATION BORDER
PATROL FOR THE FISCAL YEARS, 1943-1956



(a) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1948 (80th Cong., 1st Sess. Washington: Government Printing Office, 1947), p. 204.

(b) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1952 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1951), p. 355.

(c) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1955 (83rd Cong., 2nd Sess. Washington: Government Printing Office, 1954), p. 199.

(d) United States Department of Justice, Annual Report of the Immigration and Naturalization Service for the Fiscal Year Ended June 30, 1954 (Washington: Government Printing Office, 1954), p. 31.

(e) United States Department of Justice, Annual Report of the Immigration and Naturalization Service for the Fiscal Year Ended June 30, 1955 (Washington: Government Printing Office, 1955), p. 9.

(f) Figure provided by Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

the fiscal year of 1956 only 70,846 were apprehended, the lowest number since the fiscal year 1945. Of course, the Immigration Border Patrol has still a long way to go to reach the lowest total in its history, 10,492, achieved in the fiscal year 1940.¹⁰⁹ However, taking into consideration the tremendous increases in apprehensions characteristic of the entire post-World War II period, this present figure of 70,846 is indeed a remarkable achievement, especially for the period of time involved in its attainment.

Deportations and Voluntary Departures¹¹⁰

During the post-World War II period aliens were expelled by the process of voluntary departure predominantly. Due to the tremendous increase in the number of persons apprehended by the Immigration Border Patrol the process of formal deportation, from necessity, had to be relegated to the position of a very poor second choice. The ratio favoring voluntary departure rose from approximately 3 to 1 in the fiscal year 1943 to the high of 82 to 1 in the fiscal year 1950. Then in the fiscal year 1951

¹⁰⁹See Figure 3, Persons Apprehended by the Immigration Border Patrol for the Fiscal Years, 1925-1942 on page 48.

¹¹⁰See Figure 17, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1943-1956 on page 133.

FIGURE 17

DEPORTATIONS AND VOLUNTARY DEPARTURES OF ALIENS
FOR THE FISCAL YEARS, 1943-1956

	Deportations	Voluntary Departures	Total
1943	4,207 ^a	11,947 ^a	16,154
1944	7,179	32,270	39,449
1945	11,270	69,490	80,760
1946	14,375	101,945	116,320
1947	18,663 ^b	195,880 ^b	214,543
1948	20,371	197,184	217,555
1949	20,040	276,297	296,337
1950	6,628	572,477	579,105
1951	13,544	673,169	686,713
1952	20,181	703,778	723,959
1953	19,845 ^c	885,391 ^c	905,236
1954	26,951	1,074,277	1,101,228
1955	15,028	232,769	247,797
1956	7,297 ^d	80,891 ^d	88,188

(a) United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1948 (80th Cong., 1st Sess. Washington: Government Printing Office, 1947), p. 189.

(b) United States Department of Justice, Annual Report of the Immigration and Naturalization Service for the Fiscal Year Ended June 30, 1952 (Washington: Government Printing Office, 1952), p. 35.

(c) United States Department of Justice, Annual Report of the Immigration and Naturalization Service for the Fiscal Year Ended June 30, 1955 (Washington: Government Printing Office, 1955), p. 84.

(d) Figure provided by Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

the ratio dropped to 49 to 1 and in the fiscal year 1952 it reached 30 to 1. Then it reached 44 to 1 in the fiscal year 1953, but began a definite trend of decrease reaching by the fiscal year 1956 the ratio of 11 to 1.

More significant however has been the tremendous increase in the number of persons being expelled. During the pre-World War II period the total number of persons expelled in any one fiscal year never exceeded 38,796 (1929), with the average annual total being 21,000.¹¹¹ During the post-World War II period the high total for any one fiscal year was 1,101,228 in 1954, with the average annual total exceeding 379,000. The importance of this tremendous increase lies in the fact that it created the serious problem of detention in addition to complicating the processes of apprehension and expulsion. The result was a decrease in the effectiveness of the Immigration Border Patrol since more time had to be spent in the handling of aliens already apprehended. This weakness is readily apparent as a review of the statistics on persons apprehended by the Immigration Border Patrol testifies. Because, after all, the purpose of the Immigration Border Patrol is to prevent illegal entry into the United States.

¹¹¹See Figure 4, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1925-1942 on page 50.

The fulfillment of this responsibility was certainly not achieved during the post-World War II period.

Deportation procedure.¹¹² The immigration laws invest the Attorney General with complete authority to deport aliens found in the United States in violation of law.¹¹³ The deportation process is thus entirely administrative. It extends to aliens whose original entry was unlawful and to others who have been guilty of certain types of misconduct after they commenced to reside in the United States.¹¹⁴

The deportation proceedings are commenced by the issuance of a warrant of arrest by the Attorney General or an officer designated by him.

Such a warrant is not issued unless it is determined that sufficient evidence has been developed to establish a prima facie case for deportation. The warrant is then served upon the alien, and he is taken into custody by immigration officers, who advise him of the cause for his arrest and furnish him with a copy of the warrant. He is thereupon advised of his right to representation

¹¹²For a detailed discussion of deportation procedure see Ugo Carusi, "The Federal Administrative Procedure Act and the Immigration and Naturalization Service," Immigration and Naturalization Service Monthly Review 4:95-105, February, 1947.

¹¹³Section 19(a), act of February 5, 1917, 8 USC 155.

¹¹⁴Carusi, "Federal Administrative Procedure Act," op. cit., p. 102.

by counsel and ordinarily he may be released on bond pending final disposition of his case.¹¹⁵

Next, a hearing is given by a presiding inspector or hearing officer to show cause why the defendant should not be deported under regulations which have been in effect many years and based largely upon judicial rulings.¹¹⁶

The rights of the defendant are as follows:

A man under deportation proceedings is entitled to know the charges against him. He is entitled to have representation by counsel. He is entitled to have witnesses produced to testify for or against him. He is permitted to submit any evidence which he may desire to offer to controvert the charge that he is in the country illegally.¹¹⁷

After the hearing has been conducted, of which a verbatim report is made, the hearing comes to the Commissioner in Washington for a determination as to whether or not deportation should be ordered. If it is found that the alien is deportable and should be deported, a warrant of deportation is issued.¹¹⁸

¹¹⁵8 CFR 150.3, 150.4, 150.5 as reported in Carusi, "Federal Administrative Procedure Act," op. cit., p. 103.

¹¹⁶United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1950 (81st Cong., 1st Sess. Washington: Government Printing Office, 1949), p. 205.

¹¹⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1950 (81st Cong., 1st Sess. Washington: Government Printing Office, 1949), p. 206.

¹¹⁸Loc. cit.

The immigration statutes expressly direct that the Attorney General's order of deportation¹¹⁹ and the decision ordering that an alien be excluded from entering the United States¹²⁰ shall be final. However, in deportation cases the courts have insisted upon observance of the Constitutional requirements of due process.¹²¹ In this connection the courts have ruled that a failure to observe such requirements may be questioned in a habeas corpus proceedings. But the writ of habeas corpus is a collateral challenge, rather than a direct review, of the administrative action. It will be entertained only when the petitioner has exhausted any administrative remedies that are available to him.¹²² And the courts have ruled that they will intervene in immigration proceedings only upon a showing of "error so flagrant as to convince the courts of the essential unfairness of the trial."¹²³

Finally, upon the issuance of that warrant of

¹¹⁹Section 19(a), Act of February 5, 1917, 8 USC 155(a).

¹²⁰Section 17, Act of February 5, 1917, 8 USC 153.

¹²¹See *Chin You v United States*, 208 US 8 (1908); *United States v Ju Toy*, 198 US 253 (1905).

¹²²*United States v Sing Tuck*, 194 US 161 (1904).

¹²³*Vajtauer v Commissioner*, 273 US 103, 106 (1927).

deportation, an effort is made to obtain passport facilities with which to deport him. Just as soon as those passport facilities have been obtained, the alien is taken into custody, if he is not in custody, and promptly deported.¹²⁴

Illegal entry as a crime. It is a misdemeanor for a person to enter the country illegally. It is a felony for a person who has been deported to enter the country illegally thereafter. The maximum penalty is not more than two years or a fine of not more than \$1,000 or both.¹²⁵ The penalties, on first look, seem rather severe; however, in practice they have proven otherwise.

. . . on the Mexican border, where we are plagued mostly with these repeaters, it is almost impossible to get indictments or convictions, because it involves mostly Mexicans who are coming in as farm labor and the ranchers along the borders in Texas are very glad to have these wetbacks, so-called. You cannot get a grand jury or a petit jury down there that is not made up largely of people who want to have them come in.¹²⁶

Therefore, the suggestion that "it would further discourage grand juries and petit juries from bringing in indictments

¹²⁴United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1950 (81st Cong., 1st Sess. Washington: Government Printing Office, 1949), p. 206.

¹²⁵Ibid., p. 197.

¹²⁶Loc. cit.

to make it a felony for illegal entry rather than a misdemeanor"¹²⁷ appears to be supported by experience.

Voluntary departure. The volume of illegal Mexican entries forced the Immigration and Naturalization Service to effect speedy removal of these aliens under voluntary departure procedure.¹²⁸ Under this long established procedure the United States Government allows a deportable alien to leave the country at his own expense. However, in the case of Mexican wetbacks no charge is made upon the deportee when he is unable to pay. In other words, whereas during the pre-World War II period the major purpose for offering voluntary departure as a means of expulsion was to save the United States government the expense incident to deportation¹²⁹ the continued use of this means of expulsion during the post-World War II period was for the purpose of alleviating the detention problem due to the shortage of personnel and detention

¹²⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1950 (81st Cong., 1st Sess. Washington: Government Printing Office, 1949), loc. cit.

¹²⁸Annual Report of the Immigration and Naturalization Service for 1951, p. 58.

¹²⁹Annual Report of the Attorney General for 1947, p. 30.

facilities.¹³⁰ It is significant to point out that during the post-World War II period the percentage of deportees of Mexican nationality allowed to depart under voluntary departure proceedings averaged annually better than 90 per cent of the total, with a high of 98 per cent being reached in the fiscal year 1953.¹³¹

However, certain limitations as to those eligible for voluntary departure were established. In the fiscal year 1946, voluntary departure was open only to those who were found deportable "on grounds other than criminal, moral or subversive or because of mental or physical defects."¹³² In May, 1949, instructions were issued that, "except for Mexican aliens of the criminal and immoral classes, formal deportation proceedings should be limited to those who had previously been granted four voluntary departures."¹³³ This policy continued through 1952.¹³⁴

¹³⁰Bernard Bern, "Detention Facilities Along the Mexican Border," Immigration and Naturalization Service Monthly Review, 9:32, July, 1951.

¹³¹Annual Report of the Attorney General for 1953, p. 51.

¹³²Annual Report of the Attorney General for 1946, p. 24.

¹³³Annual Report of the Attorney General for 1950, p. 60.

¹³⁴Annual Report of the Attorney General for 1952, p. 27.

Then since experience had proven that formal deportation was a more powerful deterrent to quick attempts to return than was voluntary departure, use of formal deportations was recommended.¹³⁵ However, due to the large numbers of deportees the use of voluntary departure procedure had to continue.¹³⁶

During the post-war period all "eligible" aliens were offered the opportunity of departing voluntarily from the United States.¹³⁷ Practically all such aliens took advantage of that privilege.¹³⁸ The major reason for taking this offer was that voluntary departure enabled the alien to apply immediately for readmission provided his deportable status did not arise from causes that would preclude his readmission whereas formal deportation required a one year wait.¹³⁹ Also, no stigma of deportation was encountered by the alien who chose

¹³⁵Annual Report of the Attorney General for 1952, p. 27.

¹³⁶See Figure 17, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1943-1956 on page 133.

¹³⁷William Whalen, "The Wetback Problem in Southwest Texas," Immigration and Naturalization Service Monthly Review 8:104, February, 1951.

¹³⁸See Figure 17, Deportations and Voluntary Departures of Aliens for the Fiscal Years, 1943-1956 on page 133.

¹³⁹Annual Report of the Attorney General for 1947, p. 30.

voluntary departure.

The problem of detention and expulsion. Immigration Border Patrol operations on the southern border are now based on the premise that Mexican aliens can best be discouraged by apprehension immediately upon arrival in this country and rapid removal to interior points in Mexico. "Statistics prove that the removal of Mexican aliens to the interior materially reduces the number of reentries."¹⁴⁰ Apprehended Mexican aliens are conveyed from points of apprehension to detention facilities which are operated by the Immigration Border Patrol at Chula Vista and El Centro, California, and at El Paso and McAllen, Texas.¹⁴¹ These facilities are used as "staging areas" where aliens are collected from all over the United States and made ready for a return trip to Mexico. The detention facilities are under:

. . . the direct supervision of a Supervisor, Detention Facility, who in turn is responsible to the Chief Patrol Inspector. This officer and his assistant are selected from the ranks of the Border Patrol, while the remaining staff, consisting of security officers, matrons, cooks and maintenance men, are employed directly for their assignments at detention facilities.¹⁴²

¹⁴⁰United States Department of Justice, Border Patrol Management, op. cit., p. 40.

¹⁴¹Loc. cit.

¹⁴²Ibid., p. 41.

In 1945 expulsion practice consisted of placing thousands of Mexican aliens over the border into Baja California. Then in the same year the Mexican government restricted such expulsions to those having six months' prior residence in that territory. This was done because employment for these aliens in Baja California could not be provided, and there was no rail communication with the interior of Mexico by means of which these aliens could be returned to their homes.¹⁴³

This restriction by the Mexican government created a number of problems.

Whereas formerly the majority of the aliens could be returned to Baja California without detention under voluntary departure procedure, it now became necessary to institute deportation proceedings in every case, and expel them at other points along the border. The aliens involved were transients with no fixed place of residence or family ties in this country. They could not be released on their own recognizance pending adjudication of their cases. The available detention facilities could accommodate only approximately 120 whereas the number of aliens involved were many more. The aliens so held could not be expelled until their cases had been duly processed, hearings accorded, warrants of deportation had been issued and rail transportation obtained. Under these circumstances, apprehensions had to be rationed and "quotas" established.¹⁴⁴

¹⁴³Albert Del Guercio, "Some Mexican Border Problems," Immigration and Naturalization Service Monthly Review 3:291, April, 1946.

¹⁴⁴Ibid., pp. 291-92.

Because of this development the strategy of the Immigration Border Patrol became that of containing the large number of wetbacks in the border area until detention facilities could be constructed and "practical" means of deportation established.¹⁴⁵ In the meantime, negotiations with the Mexican Government resulted in an agreement whereby:

. . . those Mexican nationals subject to expulsion and not residents of Baja California would be deported to Nogales, Arizona and to El Paso, Texas, respectively, for expulsion to Mexico through those ports. Residents of the Mexican States of Sonora, Sinaloa, and Jalisco would be expelled through Nogales, and residents of the eastern and southern sections of Mexico would be expelled through El Paso. Residents of Baja California would continue to be expelled to that territory.¹⁴⁶

Buslift and trainlift. After the wetback had been apprehended by the Immigration Border Patrol and his deportability ascertained there came the question of delivering him to an immigrant inspector for further action. On many occasions, wetbacks were picked up in groups of as many as ten, or twenty, or even more. The apprehending officers were usually in a five-passenger automobile. Conveyance of the aliens from the point of apprehension to the nearest immigrant inspector presented a problem which for many years was a very serious one for

¹⁴⁵Ibid., p. 292.

¹⁴⁶Loc. cit.

lack of transportation equipment. Therefore, with the ever-increasing number of wetbacks, it became necessary for the Service to secure buses to transport them. By 1951 there were eleven such buses in operation in Southeast Texas, varying in carrying capacity from 25 to 37 passengers each.¹⁴⁷

When wetbacks are apprehended in large groups, a call is sent to a patrol unit office where a bus is maintained, and the aliens are temporarily detained until the arrival of the bus. These buses are allocated among the various Border Patrol units and assigned to places where they will be most accessible upon demand.¹⁴⁸

When the number of apprehensions warranted it, a daily commercial bus service was inaugurated from the staging areas in California to Nogales, Arizona. Only males who were without families in this country were expelled through the staging areas, all others were allowed to depart through the ports of Mexicali and Tijuana.¹⁴⁹ Coupled with this operation was the trainlift which operated within Mexico. Invaluable cooperation and assistance were received from Mexican Government officials, who worked closely with the Immigration Border Patrol at the border and prepared facilities to receive thousands of

¹⁴⁷Whalen, loc. cit.

¹⁴⁸Loc. cit.

¹⁴⁹Annual Report of the Immigration and Naturalization Service for 1954, p. 32.

expellees.

Once in Mexican territory, the aliens were placed aboard special trains and conveyed, under Mexican escort and at the expense of the Mexican Government, to points deep in the interior, where they would be nearer their homes and far removed from the temptation to return again to the United States as wetbacks.¹⁵⁰

As evidence of the effectiveness of the trainlift the following experience should be recorded.

The Patrol unit at Nogales, Arizona, was augmented in anticipation of the attempted return of any of the deportees. However, largely as the result of the excellent cooperation of the Mexican officials, very few were able to escape the trip to the interior. Only 23 of the 23,222 aliens deported through the area had attempted to return to the United States and had been apprehended by the Nogales Patrol unit up to the end of June.¹⁵¹

Boatlift. As the volume of apprehensions was reduced to a reasonable figure, another and more effective method of repatriating illegal Mexican nationals was conceived and implemented. Mexican flag vessels are employed in cooperation with the Mexican Government to move its nationals from Port Isabel, Texas, to Veracruz, Mexico.

¹⁵⁰Annual Report of the Immigration and Naturalization Service for 1955, p. 19.

¹⁵¹Annual Report of the Immigration and Naturalization Service for 1954, p. 32.

The first such repatriation voyage began September 3, 1954, when the SS Emancipation sailed from Port Isabel. Through the end of fiscal year 1955 the Emancipation and her sister ship Veracruz completed 26 trips conveying 800 aliens per trip to a point in Mexico 2,000 miles from the California border and more than 800 miles from the nearest Texas point. Less than 2 per cent of those returned to Mexico by boatlift have been caught reentering the United States.

At the end of the year plans were completed to replace the SS Emancipation and Veracruz with smaller modern motor vessels, the Mercurio and the Frieda.¹⁵²

Airlift. However, it was the airlift which performed as the workhorse in the expulsion of the masses of illegal Mexican migrants apprehended in the United States during the post-World War II period. The magnitude of this human flood made conventional control methods unworkable. A new approach to the problem was inevitable since the Immigration Border Patrol force, the number of available trucks and buses, and the capacity of the jails in the vicinity of the border were inadequate to control the situation. At this point the Immigration and Naturalization Service planned the airlift. The airlift is simply the conveyance by airplane of these apprehended aliens from assembly points in the lower Rio Grande Valley of Texas and in the Imperial Valley of California to points

¹⁵² Annual Report of the Immigration and Naturalization Service for 1955, p. 19.

near their homes in the interior of Mexico.¹⁵³

Experience had proved that to return illegal aliens repeatedly to Mexico at small border towns hundreds of miles from their homes and lawful means for getting employment was like "using a broom against the tide." For, if these people were to escape actual hunger, they could see no alternative but to return unlawfully to the United States.¹⁵⁴ Therefore, in an attempt to solve at least a portion of the "repeater" problem an experimental airlift operation was inaugurated on June 1, 1951, to remove to points in southern Mexico those aliens who lived in central and southern Mexico.

After a screening process to eliminate those whose homes were near the border, a total of 9,648 were flown--5,699 from El Centro, California, and 3,949 from Brownsville, Texas--to points 351 to 1,314 air-miles distant from the two points of departure.¹⁵⁵

The immediate effect of the airlift was to diminish the number of apprehensions because the source--the pool--from which they came had been diminished.¹⁵⁶ When the airlift

¹⁵³Harlon B. Carter, "The Airlift," Immigration and Naturalization Service Monthly Review 9:72, December, 1951.

¹⁵⁴Annual Report of the Immigration and Naturalization Service for 1952, p. 41.

¹⁵⁵Annual Report of the Immigration and Naturalization Service for 1951, p. 58.

¹⁵⁶Ibid., p. 42.

had to be discontinued for lack of funds,¹⁵⁷ a trainlift operation was inaugurated in July, 1952, in the San Antonio and Los Angeles districts. This operation closely paralleled the airlift in that its basic idea was to transport aliens from areas of concentration near the border to points near their homes well in the interior of Mexico.¹⁵⁸

The success of the airlift was demonstrated in the reduced number of monthly voluntary departures and in the thinning out of potential illegal entrants at the border so that apprehensions were reduced to one-fourth of the volume before the airlift.¹⁵⁹ Its beneficial effects were so apparent that after its discontinuance the Mexican Government agreed for the first time to provide military surveillance in connection with movements by train of Mexican illegal entrants from border points to the interior

¹⁵⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1954 (83rd Cong., 1st Sess. Washington: Government Printing Office, 1953), p. 160.

¹⁵⁸Annual Report of the Immigration and Naturalization Service for 1953, p. 51.

¹⁵⁹Annual Report of the Attorney-General for 1952, p. 27.

of Mexico.¹⁶⁰ In other words, the trainlift was developed in order to accomplish the purpose for which the airlift had been designed. Together these two methods of expulsion played an important part in the securing of the Mexican border.

The drop in the number of apprehensions of repeaters in the fiscal years 1952 and 1953 was attributed to the operation of the airlift and trainlift which unquestionably deterred thousands of Mexican nationals from reentering the United States.¹⁶¹

On September 18, 1954, the Immigration Border Patrol Air Transport Arm, on its inaugural flight, transported fifty Mexican aliens from Chicago, Illinois, to Brownsville, Texas. Since that date it has operated continuously, ferrying illegal aliens from interior points in the United States to Mexican Border points, principally the McAllen, Texas, staging area, for trans-shipment to Veracruz by boat.¹⁶²

¹⁶⁰United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1954, loc. cit.

¹⁶¹United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, and Commerce Appropriations for 1955 (83rd Cong., 2nd Sess. Washington: Government Printing Office, 1954), p. 196.

¹⁶²Annual Report of the Immigration and Naturalization Service for 1955, p. 20.

At the end of the fiscal year 1955, plans were formulated providing for the air transport arm to convey deportees to the countries of their origin throughout the world.¹⁶³

Mexican Contract Agricultural Labor Importation Program

Following the entry of the United States into World War II, the use of imported alien labor in agriculture and industry in this country became a necessity.¹⁶⁴ An agreement which became effective August 4, 1942 was entered into between the governments of Mexico and the United States regarding the importation of native citizens of Mexico to work in the United States.¹⁶⁵

The first Mexican agricultural laborers were admitted at El Paso, Texas on September 27, 1942 and from that date through April 30, 1943 approximately 14,000 nationals of that country were found admissible and were transported to the United States. Plans called for more or less continuous recruitment in Mexico to reach and maintain the quota of 50,000 laborers (later raised to 75,000) established by the Mexican Government under the agreement.¹⁶⁶

¹⁶³Annual Report of the Immigration and Naturalization Service for 1955, loc. cit.

¹⁶⁴Robert H. Robinson, "Importation of Mexican Agricultural Workers," Immigration and Naturalization Service Monthly Review 5:41, October, 1947.

¹⁶⁵Robert H. Robinson, "The Importation of Alien Laborers," Immigration and Naturalization Service Monthly Review 4:130, April, 1947.

¹⁶⁶Loc. cit.

Then the 78th Congress on April 29, 1943, approved Public Law Number 45 known as the Farm Labor Supply Appropriations Act. This act permitted native-born residents of foreign countries located in the Western Hemisphere to enter the United States under certain exemptions from the general provisions of the immigration laws and regulations, such as payment of head tax, passport and visa requirements, inadmissibility as contract laborers, and so forth. Beginning May 1, 1943, agricultural workers recruited in the Western Hemisphere by the Department of Agriculture were admitted pursuant to this act.¹⁶⁷

This special legislation expired on December 31, 1947, and the international executive agreements entered into to implement it were thereby made inoperative.¹⁶⁸ These developments came at a time when there was a recognized need in the United States for the continued employment of thousands of the laborers affected for an indefinite period extending beyond December 31, 1947. This situation presented a problem with many facets.

There was wide dissatisfaction on the part of the Mexican Government with the 1947 agreement with this country for the processing of wetbacks (Mexican

¹⁶⁷ 57 STAT. 70; 50 USC Appendix 1351.

¹⁶⁸ Robert H. Robinson, "Seasonal Employment of Alien Labor in American Agriculture," Immigration and Naturalization Service Monthly Review 7:113, March, 1950.

illegal entrants across the border) chiefly for employment by farmers in Texas. This situation threatened to put Texas back on the "black list" that prior to 1947 had not permitted Texas farmers to participate in the labor program because of the attitude of the Mexican government. It also threatened to disturb good relations between the two countries.¹⁶⁹

And more importantly for the purposes of our study,

Abrogation of the U.S.-Mexican agreement would result in a complete break-down of the present machinery permitting American farmers and ranchers legally to recruit Mexican laborers on a contract basis and bring them into the U.S. for temporary periods to meet acute shortages of farm and ranch labor, which in turn would augment even further the tide of Mexicans seeking to cross the southern border illegally.¹⁷⁰

According to an agreement which became effective on April 10, 1947, now inoperative, employers of Mexican illegal entrants were permitted to take these aliens to recruiting centers established at Mexican border ports for screening by representatives of both the Mexican and the United States governments. If they were found qualified, they would be readmitted lawfully as agricultural laborers in order that they might continue in their jobs. However,

¹⁶⁹ Robinson, "Seasonal Employment of Alien Labor in American Agriculture," loc. cit.

¹⁷⁰ United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1949 (80th Cong., 1st Sess. Washington: Government Printing Office, 1948), p. 207.

the American farmers did not take advantage of said operations.¹⁷¹

In addition, the exclusion of Texas from the program brought the Immigration Border Patrol face to face, with a very difficult, if not an impossible, situation.

Theoretically, a way had been opened for American farm operators to obtain the needed additional labor from Mexico, but the exclusion of Texas where the greatest number of such persons were needed and had been traditionally used created an impossible situation. This imposed on the Service the double duty of doing its part in implementing the processing and importation of Mexican farm workers under the existing agreement for other large areas of the country, and endeavoring to apprehend and return to Mexico the hordes of laborers who crossed the border illegally in search of farm work in order to feed themselves and their families.¹⁷²

These factors set in motion an inevitable chain of events. On February 21, 1948, a formal agreement was entered into between the United States and Mexico for the recontracting and/or importation of approximately 50,000 Mexican agricultural laborers for temporary employment.¹⁷³ In October, 1948, the wave of Mexican laborers waiting in vain on the border at Juarez, Mexico (across the border

¹⁷¹Robinson, "Importation of Mexican Agricultural Workers," loc. cit.

¹⁷²Robinson, "Seasonal Employment of Alien Labor in American Agriculture," op. cit., pp. 114-15.

¹⁷³Gertrude D. Krichesky, "Importation of Alien Laborers," I & N Reporter 5:5, July, 1956.

from El Paso, Texas) for the Mexican Government to open a contracting center there, as had been tentatively agreed, broke the dam and flowed across the Rio Grande to waiting cotton fields in Texas, New Mexico and Arizona, and on into the sugar beet fields in Colorado and Michigan.¹⁷⁴

Following this incident the Mexican government served notice that it regarded the 1948 farm labor agreement with this country as no longer operative, and requested conversations with this government looking to the negotiation of a new and more satisfactory accord. This conference was held in Mexico City beginning in mid-January, 1949.

A new formal executive agreement governing the migration of Mexican farm laborers was approved by the governments of Mexico and the United States, and became effective on August 1, 1949.¹⁷⁵

Its provisions with respect to new recruitment in Mexico are similar to the 1948 agreement. There is one significant addition, however, that provides for the contracting of Mexican illegal entrants who were in the United States on the effective date of the agreement. Employers who

¹⁷⁴Robinson, "Seasonal Employment of Alien Labor in American Agriculture," op. cit., p. 115.

¹⁷⁵United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriations for 1951 (81st Cong., 2nd Sess. Washington: Government Printing Office, 1950), p. 250.

could obtain certificates of need for such labor, and who were found to be otherwise eligible to employ workers under the agreement, could contract qualified Mexican nationals who had entered this country illegally across the border. This proviso clearly stipulates, however, that all Mexican agricultural workers illegally in the United States on the effective date of the Agreement who are not contracted thereunder, and all workers who enter the United States illegally after the effective date of the Agreement, shall be returned promptly to Mexico. This was a clear and definite understanding with Mexican officials, when the 1949 agreement was negotiated, that employers in Texas would be allowed to participate in the program. This was a departure from past practices.¹⁷⁶

The Mexican position concerning the importation program and the wetback problem was a most reasonable approach to the solution of the many problems existing on the Mexican border and clearly illustrates why agreements between the United States and Mexico have been possible. This position was most effectively voiced in the Department of Justice Hearings of 1952:

Mr. Winings. I think I can say this, that there is an attitude on the part of the Mexican Government, as we gather it, that insofar as we are willing to enter into an agreement with them and cooperate with them, they will try to supply us what they can in the way of needed farm labor. But they also feel, on the other hand, that we are then obligated specifically to see that those who are not processed and brought in pursuant to the agreement, are not

¹⁷⁶Robinson, "Seasonal Employment of Alien Labor in American Agriculture," loc. cit.

permitted illegally to come in or remain here; and they are constantly watching us to see that our laws are enforced.¹⁷⁷

Mr. Mackey. May I say this? The farms and ranches on the Mexican side of the border are just as productive as those on the American side of the border. The Mexican Government takes the position that their farms and ranches on the Mexican side need labor just as much as our American ranches do. So they have insisted that we get our labor from the interior of Mexico rather than from the border. These laborers will be recruited inside of Mexico, moved to the border and then to stations in the United States where they will be sorted out to the contractors.¹⁷⁸

Because the United States needed Mexican agricultural workers the Congress passed Public Law 78 setting up a new program for the recruitment of agricultural workers from Mexico on July 12, 1951.¹⁷⁹ This law provided for the establishment of reception centers at or near places of entry and included provision for the importation, subsistence, and other details with respect to Mexican laborers in accordance with the Migrant Labor Agreement with Mexico of 1951. While the task of recruitment and management of the Mexican worker program was placed with the Farm Placement Service of the Department of Labor,

¹⁷⁷ United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1953 (82nd Cong., 2nd Sess. Washington: Government Printing Office, 1952), pp. 379-80.

¹⁷⁸ Ibid., p. 402.

¹⁷⁹ 55 STAT. 119

entry and departure control under the immigration laws remained in the Immigration and Naturalization Service. Also, the law provided that no workers may be recruited unless sufficient domestic workers are not available at the time and place; that employment of such workers will not adversely affect wages and working conditions of domestic agricultural workers similarly employed; and that reasonable efforts have been made to attract domestic workers.

Influence of the Wetback upon the Mexican contract agricultural labor program. Farmers clamored for hands to work their crops, and some became so desperate that they risked the penalties of the law by receiving and employing illegal entrants from Mexico.¹⁸⁰

The major reasons for accepting wetbacks to do the work were: (1) they were more likely to be experienced in agricultural work,¹⁸¹ (2) their employment was not attended with the necessity for complying with certain standards which applied in the cases of the legally imported laborers and were enforced as a condition for their employment,¹⁸² (3) the Mexican farm laborers are more docile and are

¹⁸⁰Del Guercio, op. cit., p. 290.

¹⁸¹Ibid., p. 291.

¹⁸²Loc. cit.

willing to work for lower wages than are the domestic farm laborers,¹⁸³ and (4) some farmers and ranchers frankly stated that they prefer the illegal entrant to the American citizen laborer because they can pay him practically any wage they may desire, have to furnish the very least of living facilities, and can, in the majority of cases, control the movements of such aliens by threatening them with action by the Immigration Service.¹⁸⁴

The extent of the opportunistic advantages such a situation as this presented the American farmers and ranchers has been shockingly revealed in the Department of Justice Hearings for 1946.

Mr. Rabaut. The man who persuaded them to come across, when the river or the stream was shallow, had them arrested at the end of their work period, and before they were paid. So that they got

¹⁸³Eckerson and Collaer, op. cit., p. 59. However, "In the past, Mexicans have been a fairly docile group of individuals, requiring only minimum safeguards and limited detention personnel. However, aggravated economic conditions in Mexico, plus tougher Border Patrol enforcement during the last three years, have had a cumulative effect upon the Mexican illegal entrant, especially the teenager. He now frequently resents apprehension, detention, and efforts to deport him, is elusive and displays little respect for authority. This situation along the Border, has compelled the Service to adopt stricter security measures in detention facilities." Annual Report of the Immigration and Naturalization Service for 1953, p. 46.

¹⁸⁴Eckerson and Collaer, loc. cit.

neither their money, nor a return home.

My thought is that the man who induced them to come over, who was on this side of the river, was more guilty than any of the men who tried to come over here in order to sustain body and soul, by getting some work. I went to the Federal court and had quite a talk with the judges about it, and they agreed with me that there were some abuses.

It is a great temptation, as you can see, to the fellow who has a farm on our side and needs the help, and there is a man right across the river who needs a job, to bring him over. And then, of course, he has the power, or is in a position to threaten him, while he is working for him, that if he does not do a good day's work, "All I have to do is to tell that fellow over there that you are here illegally, so you better get busy here."

It is bad enough to trim him out of his wages, but to have him locked up on top of that is something that really grates anyone who has any kind of real blood in his system.¹⁸⁵

Such practices most certainly evoked concerned responses upon the part of the Immigration Border Patrol and the government of Mexico.

Whether additional legislation would be of any help is doubtful. We already have laws providing for the detention of illegal entrants. About the only additional legislation that would appear to be of any help would be to make it an offense to employ any alien unlawfully in the country.¹⁸⁶

¹⁸⁵United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Department of Justice Appropriation Bill for 1946 (79th Cong., 1st Sess. Washington: Government Printing Office, 1945), p. 126.

¹⁸⁶Annual Report of the Immigration and Naturalization Service for 1950, pp. 2-3.

Mr. Mackey. The existing international agreement under which the Mexican agricultural laborers are now brought into the United States will terminate as of February 11, 1952. The Government of Mexico, through its appropriate representative, has taken the position that they will not enter into a new agreement and there will be no extension of the existing agreement until Congress shall have enacted legislation which would impose a penalty upon those who would induce or encourage the coming to the United States of wetbacks or of other agricultural labor, or causing the entrance of Mexicans to this country illegally, without inspection.¹⁸⁷

Even a meeting of the Committee of Mexican Labor Users unanimously went on record as urging an enactment of an increased appropriation for the Immigration Service in order that the demands of the Mexican Government may be met in the way of cleaning out the wetbacks. This included the National Grange and the Farm Bureau Federation.¹⁸⁸ However, the practical side of the question undoubtedly influenced this decision in that if the farmers wanted Mexican laborers they had to make a token attempt to support the conditions of Mexico regarding Mexican labor. Of course, during the season when crops were not ready for harvesting the large number of wetbacks in the area with nothing to do were not desired by the farmers. In these

¹⁸⁷United States Congress, House, Committee on Appropriations, Hearings Before the Subcommittee of the Committee on Appropriations for Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1953 (82nd Cong., 2nd Sess. Washington: Government Printing Office, 1952), p. 215.

¹⁸⁸Ibid., p. 216.

periods of unemployment the rounding up of wetbacks was strongly advocated by the farmers. But it was an entirely different story during the harvest season.

The alien laborers who had entered the United States illegally were employed on the farms and ranches in the border areas to such an extent that to have suddenly removed them, particularly during harvest seasons, would have brought disaster to the agricultural enterprises employing them. No other labor to work the crops was immediately available. In consequence the checking of farms and ranches was restricted in practice until the supply of legally imported agricultural workers was reported by the Government agency providing them as being adequate to meet the demand.¹⁸⁹

In addition, Saunders and Leonard have recorded the same set of circumstances.

New inspectors assigned to the area are sent out for a while with "old hands" who "know the ropes." From the "old hands" they learn that one occasionally picks up workers in the fields, but largely confines his attentions to wetbacks walking along the roads. No official word is given that the farmers are to be left alone, but the inspectors soon learn that they are apt to be called up before some kind of investigating board if they are too zealous in doing their jobs. Actually very few such investigations are ever held, but the fear of "trouble" is real enough to have an adverse influence on the work of inspectors. Young inspectors who take their jobs seriously, one of the "old hands" told us, are likely to get frustrated with the way in which they don't seem to get anywhere. But he and the older hands have adjusted. They can pick up only a limited number of wetbacks in a day anyway, so they get their quota mainly on the roads. Since the wetbacks on the roads are likely to be looking for work, there is no need to carry them about to get paid or to pick up clothes

¹⁸⁹Del Guercio, op. cit., p. 291.

and, perhaps even more important, the loss of these potential workers will not "antagonize" the farmers.¹⁹⁰

The fact is that wholehearted support of the Mexican contract agricultural importation labor program from the beginning would have helped immeasurably to prevent the wetback invasion before it got started. This has been proved in present practice. Today American farmers are supplied all the labor they need by the provisions of this program; thereby, having reduced the wetback problem to very manageable proportions.¹⁹¹ It is regrettable that one decade was lost before an adequate control program could be implemented, especially when the solution to the problem not only existed as early as 1942 but had been implemented even though half-heartedly during this period.

Administration of the agricultural labor importation program. The Mexican government maintains four migratory stations or recruitment centers in Mexico, where immigration inspections and medical examinations of agricultural workers are made. These stations are located at Irapuato, Guanajuato; Monterrey, Nuevo Leon; Chihuahua,

¹⁹⁰Lyle Saunders and Olen E. Leonard, The Wetback in the Lower Rio Grande Valley of Texas (Austin: The University of Texas, 1951), p. 79.

¹⁹¹See Figure 18, Mexican Agricultural Laborers Admitted to the United States for the Fiscal Years, 1943-1956 on page 167.

Chihuahua; and Guaymas (Empalme), Sonora, Mexico. An alien found admissible is issued a conditional permit at the recruitment center. Immigration inspection is completed at the reception center in the United States near the port of entry. Inspection includes a check against lookout records for undesirable aliens.¹⁹²

The United States maintains five reception centers located at El Centro, California; Nogales, Arizona; El Paso, Eagle Pass, and Hidalgo, Texas. An alien who presents a conditional permit duly noted by an Immigration Officer at the recruitment center may be admitted at one of these reception centers if he is found admissible by the examining Immigration Officer.¹⁹³

The processing of migrant workers at the reception centers has been streamlined through Service adoption of a new Bracero documentation program. When the alien is admitted he is given a Form I-100C to keep while he is in the United States as proof of his legal status as an agricultural worker. A laminated card Form I-100D, a mica, is delivered upon departure to each readmissible Bracero who has successfully completed his contract. The worker is permitted to retain this mica. Preference is given to

¹⁹²Krichefsky, op. cit., p. 6.

¹⁹³Loc. cit.

a mica-holding worker by United States Officials at the recruitment center in Mexico and at the reception center in the United States.¹⁹⁴ Adoption of the I-100 program served to eliminate the situation under which the busy farmer and grower was faced with the prospect of using "anonymous" workers selected for him by a government agency. The program assured return of workers found to be dependable during the past season, and has been endorsed by ranchers and Braceros alike.¹⁹⁵ In other words, the grower will be able to obtain a worker who has established that he is satisfactory and the Bracero will have ready access to employment year after year within limitations as to need for such workers in the United States.¹⁹⁶

Finally, employers, of course, are not permitted to employ Mexicans illegally in the United States under this program. If upon investigation an employer is found to be employing Mexicans illegally in the United States, the District Director may require that other agricultural workers be removed. Temporary admission of all agricultural workers employed by such contractor may be terminated. Farmer-contractors must notify the Service of unauthorized

¹⁹⁴Ibid., p. 7.

¹⁹⁵Swing, op. cit., p. 16.

¹⁹⁶United States Department of Justice, Immigration and Naturalization Service, Press Release, July 27, 1955.

departure of Mexican workers.¹⁹⁷

It is worthwhile to note the effect this Mexican contract agricultural labor importation program has had upon the decline in Mexican border illegal crossings.

During the first six months of the current calendar year [1956] the Service effected 28,700 apprehensions in the Mexican Border area (Southwest Region). This compares with a total of 64,390 such apprehensions during the corresponding period of the preceding year (January through June 1955)--resulting in a decrease of 35,690 apprehensions, or more than 55.4 per cent. This marked decrease in the number of aliens apprehended in the southwestern United States is indicative of the continued progress being made in the effective control of the Mexican border.¹⁹⁸

Mexican agricultural laborers admitted to the United States, 1943-1956.¹⁹⁹ During the first fiscal year under the Mexican contract agricultural labor program, which was 1943, a total of 30,117 Mexican agricultural laborers were brought to the United States. This number was increased to 74,632 in fiscal year 1944. Then a yearly decrease followed for the fiscal years of 1945, 1946, and 1947. A slight revival, signifying an increased support of the program by the American farmers and ranchers,

¹⁹⁷Krichefsky, op. cit., p. 7.

¹⁹⁸United States Department of Justice, Immigration and Naturalization Service, Press Release, August 1, 1956.

¹⁹⁹See Figure 18, Mexican Agricultural Laborers Admitted to the United States for the Fiscal Years, 1943-1956 on page 167.

FIGURE 18

MEXICAN AGRICULTURAL LABORERS ADMITTED TO THE UNITED STATES FOR THE FISCAL YEARS, 1943-1956

1943	30,117	1950	116,052
1944	74,632	1951	115,742
1945	68,081	1952	223,541
1946	25,300	1953	178,606
1947	19,632	1954	213,763
1948	33,288	1955	337,996
1949	143,455*	1956	416,833

*Calendar year figure

Source, 1943-1949: Figures provided by Statistics Branch, Administrative Division, Immigration and Naturalization Service, United States Department of Justice.

Source, 1950-1956: Gertrude D. Krichesky, Statistician, Central Office, "Importation of Alien Laborers," I & N Reporter, 5:8, July, 1956.

occurred in the fiscal year 1948. Beginning with 143,455, in the fiscal year 1949, an uneven, but substantial number of Mexican agricultural workers were brought to the United States every year. Then more than 200,000 men were brought in during the fiscal year 1954. In the fiscal year 1955 the number exceeded 300,000. Finally, the last fiscal year of 1956 produced an all-time high mark of 416,833. This increased use of Mexican contract agricultural laborers is significant because it indicates that reliance upon the "Wetback" has been simultaneously reduced. Therefore, the problem of law enforcement for the Immigration Border Patrol may reasonably be expected to be simplified in the future to the extent that support of the above program indicates a willingness on the part of the American farmer and rancher to uphold the Immigration laws of the United States with respect to refusing to encourage illegal entry into the United States for purposes of gaining farm employment in the United States.

CHAPTER V

SUMMARY AND CONCLUSIONS

I. SUMMARY

Before stating the conclusions pertaining to the study undertaken in this thesis, some little time must be spent in a summation of the subject matter that has been covered. The purpose of this summary will be to restate the findings of the preceding chapters to show succinctly the more important findings of the whole study.

Organization: Pre-World War II

The United States Immigration Border Patrol was created as a separate, compact unit on May 28, 1924, following a period of approximately 130 years in which very little concerted Federal administrative action had been exerted for the purpose of securing the borders of the United States against illegal entry into the United States. However, by 1924, the need for a separate body responsible for the securing of the borders of the United States was recognized.

In deciding upon a plan of organization it was believed that the best results could be accomplished by dividing each of the immigration border districts into

several patrol districts and placing in charge of each unit an immigration officer of wide experience in border work, the entire patrol force in each district operating under the general supervision of the respective district heads. However, by 1932, in order to obtain a greater degree of coordination and uniformity of practice and a concentration of supervision, the forces on each border were placed under the immediate control of one officer, who had the title of director. There was, of course, retained and maintained that close cooperation between the patrol force and the Immigration Service proper which had been evidenced since the inception of the newer organization, and which was absolutely essential, as one service was the complement of the other.

Then in 1933, the United States Immigration Border Patrol reverted to its former plan of organization under which the patrol on each immigration border district was placed under the control of the respective district administrative heads, discontinuing the centralization of authority. This had to be done as it was the easiest organizational plan which could be implemented under the existing situation where the consolidation of the Naturalization Service with the Immigration Service had been ordered. This district control plan was destined to continue for quite a long period of time.

The only other important organizational change to

take place during this pre-World War II period occurred in 1940 when the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice, its place of residence to this day. Immigration border districts were consolidated in 1943 thereby establishing sixteen in number.

During the pre-World War II period, the Immigration Border Patrol was understaffed, in terms of the large border area to be guarded. The total number of personnel in fiscal year 1924 was 472. This meant that some of the vulnerable points on the border which required a 24-hour service were being protected by a sufficient number of men to give an 8-hour service, while other points were left practically uncovered. However, a high point in number of personnel, 984, for the pre-World War II period, except for the fiscal years 1941 and 1942, was attained in fiscal year 1932, when Congress was persuaded that more intensive supervision of the borders required such an increase. However, this number was allowed to dwindle until June 27, 1940, when the Immigration Border Patrol was almost doubled in size, reaching an all-time high, except for the fiscal year 1943, of 1622 men. World conditions in general had been responsible for this increase. But the important fact to remember is that for the first time in its history the Immigration Border Patrol was not understaffed. Personnel-wise it was prepared to do its job.

During this pre-World War II period, budget appropriations for the Immigration Border Patrol rose steadily, except for a slight recession due to the depression in 1933 from \$1,000,000 a year to \$3,883,400 in the fiscal year 1941. In other words, authorized personnel and budget appropriations followed a similar general pattern of increase from the fiscal year 1924 to the fiscal year 1941 thus equipping the Immigration Border Patrol to do its job successfully.

Operations: Pre-World War II

United States Immigration policy in the 1920's which created both qualitative and quantitative restrictions upon immigration to the United States, served to stimulate smuggling and illegal entry into the United States. In addition, the extensive United States-Mexican border afforded no great obstacle to the easy ingress of aliens bent on circumventing the immigration laws of the United States.

The major operational technique utilized during the pre-World War II period was traffic checking. However, it did not escape certain definite checks being placed upon its use nor for that matter did it receive constant use. But, in general, the theory that the illegal entrant's biggest problem was to get away from the border towns on

the American side as soon as possible proved sound. Therefore, efficient traffic checking did the job in terms of apprehension of illegal entrants who had already crossed the border. Traffic checking was expanded to include freight trains and watercraft. The need for an aerial patrol was recognized but did not become a reality until the post-World War II period.

The concept of mobility and coordination was adopted by the Immigration Border Patrol as a principle of operation, but, in comparison with such an operation as say "operation Wetback," only a very limited development of this principle took place in the pre-World War II period. Men were assigned to positions of duty on the basis of information received. But as far as any over-all plan for utilization of a task force method of operation being conceived the Immigration Border Patrol was not ready for any such modern concept during the early period of its operations.

Equipment during the post-World War II period was never the all-important factor in the successful securing of the Mexican border as it had proven to be in the pre-World War II period. The equipment of the Immigration Border Patrol was wholly inadequate in 1924 and for several years thereafter for the job which had to be done. Motorcycles were utilized first. Then a small number of low-priced passenger automobiles were purchased. However,

the number was too few so that the private cars of patrolmen were utilized on an allowance basis. This proved very inefficient. Finally, in 1927, Congress did away with the makeshift allowance system and in its place substituted Government-owned motor equipment. Saddle horses and water craft also were used as the terrain dictated. However, the installation of radio communication in its various ramifications during the 1930's increased the efficiency of operations tremendously. Radio communication proved to be the most important single technological advancement in the history of the Immigration Border Patrol.

Persons apprehended by the Immigration Border Patrol during the pre-World War II period were kept within manageable proportions. This relatively stable average figure of something below 20,000 a year indicated that the border was relatively secure.

As for alien expulsion it may be stated that since the Mexican border had been relatively secured, there was no undue pressure upon the Immigration Border Patrol requiring any emergency type of expulsion procedure. Formal deportation was used, in general equally as much as voluntary departure. It was not until fiscal year 1939 that the method of voluntary departure began to dominate expulsion procedure. And this was done for economic rather than emergency reasons during the fiscal years 1939, 1940, 1941, and 1942. Since the government of the United States

had to pay for a deportee's transportation to the country of his birth or to the country of which he is a national under formal deportation procedure, but did not have to finance such transportation for those aliens permitted to leave the United States as voluntary departees, the government of the United States turned to voluntary departure procedure in every case that it could possibly do so.

In addition, prior to 1929, it was not a crime, misdemeanor or otherwise, to enter the country illegally. The only penalty was deportation. But in 1929 Congress made it "a misdemeanor for the first offense, and a felony for the second offense of unlawful entry."

During the pre-World War II period, the Immigration Border Patrol recognized that their expulsion practice of putting aliens back right across the border at the point where they entered was ineffective against preventing reentry. Therefore, in the cases of criminal aliens or the repeaters, the Immigration Border Patrol turned to shipping them by water over on the west coast to Mazatlan. However, because of some objections by the Mexican government against putting Mexicans back in their native country so far removed from their own homes and their families this practice was discontinued.

Finally, the first attempts to patrol the border by air began in the summer of 1941 with the procurement of three autogyros. Due to the experimental nature of the

craft they proved unsuccessful except for limited operation. Although very little was accomplished in the way of effective patrolling through the use of the autogyro, several things were learned which were of great help when airplanes were used in the post-World War II period. For one thing, officers found that before an air patrol could function efficiently it would have to be supplemented with an effective ground patrol. Also, two-way radio communication between air and ground units would be necessary for the best results. However, use of aircraft on patrol work ceased during World War II.

The Factor of Drastically Increased Illegal Mexican Migration

With the end of the Mexican Revolution in 1917 and the farm labor shortage accompanying the entrance of the United States into World War I the number of Mexicans who crossed the border illegally increased appreciably. Accompanying this influx of immigration was the establishment of a definite pattern of seasonal employment in the commercial agriculture of the Southwest which was slowly but gradually created. Travelling from the South to the North, the workers followed the fruit and vegetable harvests. Since the American farmers' demand was for workers who could be temporarily employed and then returned to their "homes" when their services were no longer required, the creation of

a pattern of seasonal employment was to be expected.

The phenomenal increase in the number of illegal Mexican entrants since the fiscal year 1944 was due to a number of circumstances. These were conveniently classified as "push" and "pull" factors. In this great migration both were present in varying degrees.

Among the "push" factors were the following:

(1) high population pressure in Mexico, (2) low standard of living in Mexico, (3) low wages in Mexico, (4) negative effect of economic expansion in Mexican Rio Grande Valley, and (5) continued drouth conditions in Mexico creating unemployment.

Among the "pull" factors were the following:

(1) American preferences for the "Wetback" as a laborer, (2) established pattern of Mexican migration to the United States, (3) increased cultivation of cotton and fruits, (4) exodus of American agricultural workers from seasonal labor, (5) high wages in the United States, (6) Mexican contract agricultural labor importation program, and (7) United States policy of "legalizing" the "Wetback."

Opposition to this influx of illegal Mexican migration came mainly from the National Agricultural Workers' Union which has gone on record for the following claims: (1) due to this influx agricultural wages are being depressed, (2) due to this influx American agricultural

laborers are being displaced, and (3) the domestic supply of farm labor is adequate to meet all needs.

Disadvantages coincident with the "Wetback invasion" were" (1) the "Wetback" is a known carrier of active tuberculosis, (2) venereal diseases are prevalent among the "Wetbacks," (3) it is reported that the illegal alien traffic has greatly increased the traffic in narcotics, (4) between 75 per cent and 90 per cent of all law violations along the border are attributable to the "Wetback," and (5) the "Wetback" himself--once a tractable and for the most part an inoffensive creature--has become more and more difficult for the patrolmen to handle.

Three possible solutions to the "Wetback" problem were presented: (1) increase the use of legally imported labor, which has been done, (2) relocate American agricultural workers on both a seasonal and permanent basis--has proven very difficult as Americans, in general, refuse to do "stoop-labor," and (3) "legalize" the "Wetback"--such a policy, it was felt, would only result in the undesirable encouragement of illegal migration to the United States.

In conclusion, it was pointed out that the Mexican government had not been ignoring the "Wetback" problem. In August, 1953, President Adolpho Ruiz Cortines of Mexico said that the Mexican government would attempt to divert surplus farm labor into new tropical and coastal farming lands thus giving the potential "Wetback" employment at

home. In addition, the United States Immigration Border Patrol expressed its appreciation for the great cooperation it had received from the Mexican government and felt assured that such cooperation undoubtedly would continue in the future.

Organization: Post-World War II

In 1943 the principle of organization adopted was the functional approach which was to divide the work into organizational units according to the particular type of function involved; that is, for instance, bringing together all types of investigations. Under this arrangement the Immigration Border Patrol was placed under the direction of an Assistant Commissioner for Alien Control.

The reorganization of the Service along functional lines established in the Central Office during the fiscal year of 1943 was carried into the sixteen districts during the fiscal year of 1944 by separating staff from operating functions and establishing and defining clear lines of authority. A District Director for each of the sixteen districts was assigned administrative accountability for the district so designated. With the pattern of District organization established, it was possible to delegate to the field offices certain authorities and functions heretofore held as the prerogative of the Central Office. Thus, reorganization, simplification of procedures, and

decentralization of functions to the field service contributed to the streamlining of the Service.

In 1948 divisions were established which were responsible for the three major functions of the Immigration and Naturalization Service; namely, Administration, Adjudications, and Enforcement. The plan was so designed as to place responsibility for the work of the Service in specified Central Office officials who exercised technical and operating supervision of the Field Service through the District Directors. The number of districts remained at sixteen. Then in 1950 a fourth division was established; namely, the Research, Education, and Information Division. However, this Division was established only on the Central Office level and was therefore not to be found on the District level as a separate District unit of organization.

For better administration, it was decided in 1952, that the Enforcement work be divided between an Assistant Commissioner for Investigations and an Assistant Commissioner for Border Patrol, Detention, and Deportations. Therefore, the Immigration Border Patrol was spread over thirteen Border Patrol districts. Each of these districts was under the supervision of a District Director of Immigration and Naturalization and, where the area of the district, the physical characteristics and the patrol problems warranted, was under the direct supervision of a

District Border Patrol chief. The districts were divided into sectors according to their size, physical characteristics and problems, each sector operating under the direction of a Chief Patrol Inspector. There were from two to sixteen patrol units in each sector. In charge of the larger units were Patrol Inspectors in Charge and of the smaller units, Senior Patrol Inspectors. For purposes of coordination inspections, reports, and conferences were required on all levels of organization.

Then in 1954 it was recognized that in the field of administration, it would be necessary to establish regional headquarters for supervision and management of districts within each region. This reorganization was indicated through surveys which showed serious lack of supervision and coordination of operations at many ports of entry and other Service offices. Top administrators in Washington were found bogged down with routine operational activities and with little time to devote to policy determining functions. It was decided that the country naturally divided into four distinct areas with respect to Service work--the Southwest region being one of the four. An additional improvement was accomplished by the realignment of District boundaries to make them coextensive with State boundaries to the extent practicable.

In October, 1955, the Intelligence branch of the Immigration and Naturalization Service was established.

The Intelligence branch included a small force in the Central Office and an intelligence officer in each of the four Regional Offices of the Service. Also, a new air intelligence center within the framework of the Immigration Border Patrol air arm, was established at El Centro, California. This organization collects and disseminates information concerning illegal aircraft entry across the Mexican border.

The present Immigration Border Patrol organization is a part of the Enforcement Branch of the Immigration and Naturalization Service. The Assistant Commissioner, Enforcement Division, is responsible to the Commissioner of Immigration and Naturalization for Border Patrol functions. He is assisted by the Chief of Border Patrol. Border Patrol operations, at all levels, are divided into four distinct categories: Personnel, Intelligence, Operations, and Supply. The four functional areas have been assigned to Deputies and Assistants to the Chief of Border Patrol at the Central Office level.

There is a Regional Office for each of the four Regions headed by a Regional Commissioner. A Regional Chief Enforcement Officer is in charge of the Border Patrol for that Region. Regions are divided into Districts, in each, a District Chief, Enforcement Branch, is located with supervisory authority. Next there are 22 Border Patrol Sectors in the United States. Each Sector is under

the command of a Chief Patrol Inspector. Finally, Sectors are composed of a number of Stations or Units. Each Station will be under the supervision of a Senior Patrol Inspector and Stations in excess of eleven men will have two or more Senior Patrol Inspectors.

In reviewing, the history of the number of men authorized by Congress for the Immigration Border Patrol it was discovered that in the fiscal year 1943 the largest number in the history of this organization had been provided for. The number of men assigned to the Mexican border, 1033, was more men than the entire Immigration Border Patrol had been authorized in any one year prior to the fiscal year 1940. This was two years before the "Wetback" problem began. Then for the next decade this force was allowed to decline in number even though its responsibilities, i.e. the "Wetback" problem, increased tremendously. Only when the "Wetback" problem had reached astronomical figures in the fiscal year 1954 was this force increased in numbers so that it might meet its responsibilities. Within two short years the Mexican border was secured.

The same trend can be distinguished regarding the Budget Appropriations passed by Congress for the Immigration Border Patrol. The total increase for an annual appropriation from fiscal year 1948 to fiscal year 1954 approximated a 23 per cent increase while the number of persons apprehended for the same period increased

approximately 400 per cent. Therefore, it is obvious the Immigration Border Patrol needed a larger appropriation increase than was granted to meet the "Wetback" problem. Then in fiscal year 1955 a 75 per cent increase was suddenly granted. This was done only in the face of the clear evidence of total futility with respect to the controlling of the "Wetback" problem which had now been politically charged by the suggestion that Communist agents might very well be gaining entrance to the United States through the same method of entry as the "Wetback."

Operations: Post-World War II

In order to achieve the flexibility and mobility necessary to the securing of the Mexican border, the special mobile force operational concept was devised during the post-World War II period. By concentrating personnel deployment greater striking power was achieved. Thus when information warranted a concentrated attack, the Immigration Border Patrol could meet the challenge successfully.

However, within this new operational framework, certain specific methods of land operations have been effectively developed. They include: (1) river or line watch, (2) sign cutting, (3) city scout, (4) traffic checking, (5) anti-smuggling, (6) farm and ranch check, and (7) specialized methods and equipment. Of course, many of

these operational techniques have been used by the Immigration Border Patrol from its earliest day. But under the strain of the drastically increased illegal Mexican migration these techniques have been modernized and improved through the process of complete professionalization. Other new devices have also played their important role in improving the efficiency and effectiveness of the Immigration Border Patrol.

The outstanding operational achievement of fiscal year 1955 was "Operation Wetback." This operation turned the tide of illegal Mexican migration into the United States. A special force of 750 men swept through California and Texas apprehending great numbers of illegal entrants. The results of this operation were: (1) reduced the number of illegal entries, (2) reduced the alien crime rate, (3) led to the increased use of contract laborers, (4) provided work for American migrant laborers who filled the gap left by the "Wetback," and (5) benefited local border communities by reducing the impossible strain which had been placed upon their public welfare services.

Sea operations involving the Southwest Region of the Immigration Border Patrol along the Mexican Border of necessity are very limited. Only the problem of "end runs" is involved as the Mexican border terminates at the sea. Watercraft have been assigned to San Diego and San Pedro, California, but the critical area of concentration

is along the land area of the Mexican border. Therefore, in comparison, sea operations play a very limited role in the total operations of the Immigration Border Patrol, Southwest Region.

The Immigration Border Patrol has maintained an air arm for a number of years. It began with the acquisition of three autogyros in 1941. In 1946 three conventional planes were obtained for patrol work, marking the successful beginning of the air arm as it is known today. Coordination of airplanes with ground crews operating jeeps via radio communication provided the major operational weapon of the Immigration Border Patrol in its fight against illegal Mexican migration to the United States until the creation of "Operation Wetback" in the fiscal year 1955. Although large numbers of illegal Mexican migrants entered the United States every year, especially the fiscal year 1954, the importance of this operational technique of air-jeep patrolling cannot be minimized. For without it, the Immigration Border Patrol most certainly could not have apprehended the number of illegal entrants it did during the post-World War II period leading up to "Operation Wetback."

Of course, several problems were encountered in the old air-ground operations which have now been overcome.

In addition, several new techniques such as "double-jeeping," night sign-cutting and trailing, preparation of marked maps, and the unique use of loudspeakers attached to the airplanes, all have played an important role. Indeed, through the air-arm the Immigration Border Patrol is supplied with the "only means of covering the entire Mexican border at reasonably short intervals." However, it must not be overlooked that this method of operation has very dangerous characteristics. Since patrol planes must fly very close to the ground and at a low speed for observation purposes, the slightest motor failure could prove disastrous.

For operational purposes, it was discovered that the air arm is divided into two basic branches. One branch is made up of the eighteen small planes which are used for observation and air-ground activities involved in alien apprehension. The other branch consists of five cargo planes which are used in the airlift under alien expulsion procedure. Therefore, the total number of airplanes in the air arm of the Immigration Border Patrol today is twenty-three.

The Immigration Border Patrol has always employed intelligence processes in one form or another. Today a unified system of collection, evaluation, and dissemination

of intelligence has improved upon the excellent individual operations practiced by Immigration Border Patrol officers before 1955. Three types of intelligence were distinguished: (1) strategic, (2) tactical, and (3) counter-intelligence. Today, no items of intelligence are disregarded because an individual officer either had no use for them or failed to recognize their importance because of his limited field of operations. Established supervision at centralized points within the regions makes it possible to utilize correctly all types of intelligence revealed. Of course, the individual patrolman is still the most important single item in intelligence operations. However, his work has been further improved through improved operational techniques.

The number of persons apprehended by the Immigration Border Patrol during the post-World War II period was astronomical. Finally, the fantastic number of illegal entrants apprehended exceeded one million persons in the fiscal year 1954. Because of the many disadvantages produced by this tremendous influx of Mexican migrants into the United States, the decision at long last was made to secure the Mexican border. This was done in a very short period of time beginning in the fiscal year 1955.

One important aspect of this great migration was

that it created the serious problem of detention in addition to complicating the processes of apprehension and expulsion. Not only did the Immigration Border Patrol, from necessity, have to rely upon voluntary departure as the principal means of expulsion--even though it was less effective than formal deportation in preventing the repeater problem, but it had to spend more time in the handling of aliens already apprehended thus necessitating a loss of time from concentration upon the prevention of illegal entry, which actually is the major purpose of the Immigration Border Patrol.

It was discovered that the individual is protected against unfair government action under expulsion proceedings as the courts of the United States have ruled that a failure to observe the Constitutional requirements of due process may be questioned in a habeas corpus proceedings. Another discovery concerning voluntary departure was that whereas during the pre-World War II period the major purpose for offering voluntary departure as a means of expulsion was to save the United States government the expense incident to deportation the continued use of this means of expulsion during the post-World War II period was for the purpose of alleviating the detention problem due to the shortage of personnel and detention facilities.

Practically all "eligible" aliens took advantage of the privilege of voluntary departure because by so doing they were able to apply immediately for readmission provided their deportable status did not arise from causes that would preclude their readmission whereas formal deportation required a one year wait. Also, no stigma of deportation was encountered by the alien choosing voluntary departure. However, those found deportable on criminal, moral, or subversive grounds or because of mental or physical defects or those who had previously been granted four voluntary departures were not considered to be eligible for voluntary departure.

Detention facilities were inadequate to meet the demands made upon them; therefore, rapid expulsion back to Mexico was in order. However, because of the lack of employment in Baja California and the lack of a railroad from Baja California to the interior of Mexico by means of which these aliens could be returned to their homes, the Mexican government restricted the number of aliens who could be dumped into Baja California in 1945. Therefore, the two points of expulsion became Nogales, Arizona, and El Paso, Texas. Buses were utilized to transport these aliens to the staging areas.

Coupled with this operation was the trainlift which

operated within Mexico. Once in Mexican territory, the aliens were placed aboard special trains and conveyed, under Mexican escort and at the expense of the Mexican government, to points deep in the interior, where they would be nearer their homes and far removed from the temptation to return again to the United States as wet-backs. This procedure reduced the "repeater" problem for a period of time. Also, a boatlift has been established since September, 1954, which moves Mexican nationals from Port Isabel, Texas, to Veracruz, Mexico.

However, it was the airlift which performed the herculean task of expelling, in large numbers, the illegal entrants apprehended in the United States. These aliens were transported from assembly points in the lower Rio Grande Valley of Texas and in the Imperial Valley of California to points near their homes in the interior of Mexico. This airlift began in June, 1951 and helped immeasurably to reduce the "repeater" problem. Then in July, 1952, funds were not appropriated for the continuance of the airlift. In its place a trainlift was established in the San Antonio, Texas, and Los Angeles, California districts. This operation closely paralleled the airlift in that its basic idea was to transport aliens from areas of concentration near the border to points near their homes.

well in the interior of Mexico.

In September, 1954, an airlift from Chicago, Illinois, to Brownsville, Texas, was initiated. The ferrying of illegal aliens from interior points in the United States to Mexican border points, principally the McAllen, Texas, staging area for trans-shipment to Veracruz, Mexico, by boat, has continued since that time. At the end of the fiscal year 1955, plans were formulated providing for the air transport arm to convey deportees to the countries of their origin throughout the world.

In the final section of this thesis the Mexican contract agricultural labor importation program was discussed as a very important contributing factor to the successful securing of the Mexican border. It was reported that this program was initiated in the summer of 1942 and offered American farmers and ranchers the "stoop-labor" they needed. The farmers took advantage of the program during the first few years. But after the news had been spread throughout Mexico by the laborers who had come to the United States under this program of the great economic opportunities for Mexican laborers in the United States, a great pool of labor was created along the United States-Mexican border. Then for several reasons, such as the profit motive, this pool was made use of.

Due to the mistreatment of the Mexican laborer here in the United States the Mexican government discontinued the importation program. This only helped to increase the number of illegal entries. However, if no work had been given these illegal entries the source would very likely have dried up. But the American farmers used the wetbacks. By the summer of 1949, a more or less permanent agreement between the United States and Mexico concerning the importation of Mexican laborers was reached. However, by now, the illegal entrants were so numerous and available that the American farmers did not limit their employment to only the contract laborers. Besides, too many opportunistic advantages for the employer accompanied the employment of the illegal entrant.

The tragic thing about this whole program was that one decade was lost before an adequate control program could be implemented, especially when the solution to the problem not only existed as early as 1942 but had been put into practice--even though half-heartedly during this period. Today, the labor importation program is bringing annually over 400,000 Mexican workers to the United States thus removing the dependency, if it ever existed, of the American farmer or rancher on the employment of laborers illegally in the United States. The present support of

this program is making a very important contribution to the securing of the Mexican border.

In regard to the administration of the labor importation program it should be brought to mind once again that the processing of migrant workers at the reception centers has been streamlined through the adoption of a new documentation program of issuing permanent identification cards to approved workers who have proven their worth in the fields. Now the grower will be able to obtain a worker who has established that he is satisfactory and the Bracero will have ready access to employment year after year within limitations as to need for such workers in the United States.

In conclusion, this increased use of Mexican contract agricultural workers is significant because it indicates that reliance upon the "Wetback" has been simultaneously reduced. Therefore, the problem of law enforcement for the Immigration Border Patrol may reasonably be expected to be simplified in the future to the extent that support of the above program indicates a willingness on the part of the American farmer and rancher to uphold the Immigration laws of the United States with respect to refusing to encourage illegal entry into the United States for purposes of gaining farm employment in the United

States.

II. CONCLUSIONS

Since the purpose of this study was to ascertain and evaluate the effect of drastically increased illegal Mexican migration to the United States upon the organization and operations of the United States Immigration Border Patrol, Southwest Region, it is now appropriate in the drawing of conclusions to first list the specific changes brought about by this massive migration and then to make the general conclusions drawn from the study as a whole.

In the area of organization the significant changes brought about by the drastic increase in illegal Mexican migration to the United States during the post-World War II period were several in number.

1. In order to meet the tremendous responsibility of securing the Mexican border when hundreds of thousands of persons were being apprehended annually the Immigration Border Patrol was forced to centralize their administrative machinery so that both men and money could be utilized to their greatest efficiency and economy. This was done on a regional level. Four Regional headquarters were established. Each region had supervision and management of districts within its jurisdiction. Over-all policy still

emanated from Washington but instead of being carried out through the numerous districts as in the past it was now being administered through a small, compact number of regional headquarters. This was particularly important to the large Southwest Region which was individually responsible for the securing of the Mexican border.

2. Increased specialization in order to meet the increased magnitude of the job brought about by the staggering increase in the number of clientele required the adoption of the functional principle of organization. By 1950 enforcement work became one of four major divisions of the Immigration and Naturalization Service. In turn Immigration Border Patrol operations, at all levels, were, and remain, divided into four distinct categories: personnel, intelligence, operations, and supply. Maximum efficiency and economy which can only be achieved through specialization was required if the Mexican border were to be secured.

3. Although the total number of authorized personnel of the Immigration Border Patrol was not increased in the fiscal year 1955 to the high point attained in the fiscal year 1943, a significant internal deployment of personnel was made to meet the challenge of increased illegal Mexican migration to the United States.

The number of men assigned to the Southwest Region, which is responsible for the Mexican border, was increased by approximately 50 per cent. This large increase was possible only through the shifting of all available personnel from the other regions and through the assignment of approximately all of the new personnel received in the fiscal year 1955 to the Mexican border.

4. Because the Attorney General of the United States injected the subversive element into the problem of securing the Mexican border against the illegal entry of aliens, the budget appropriation of the Immigration Border Patrol was increased by approximately 50 per cent in the fiscal year 1955. Of course, the pressure brought to bear upon Congress by citizens and groups of the Southwest who had received the bad effects that a large number of illegal entrants engenders upon a community it has over-run also was a contributing factor in securing this budget increase. Therefore, in a backhanded way, the "Wetback" invasion focused attention upon the budgetary needs of the Immigration Border Patrol resulting in an increase of funds to a point unlikely to have been achieved in the immediate future without the occurrence of a "Wetback" problem.

In the area of operations the significant changes brought about by the increase in illegal Mexican migration to the United States during the post-World War II period

were also several in number.

1. In order to achieve the flexibility and mobility necessary to the securing of the Mexican border, the special mobile force operational concept was devised. This "task force" idea involved the concentration of personnel for purposes of increased striking power. This concept led to the creation of the outstanding operational achievement responsible for the securing of the Mexican border--"Operation Wetback."

2. The development of the air-arm of the Immigration Border Patrol can be attributed to the creation of a problem of major importance--alien expulsion--in turn created by the drastic increase of illegal Mexican migration to the United States.

3. Numerous operational techniques have been conceived and certain old ones have been "modernized" in order to prevent illegal entry into the United States. Most important has been the revamping of air-ground operations which has supplied the Immigration Border Patrol, in the area of alien apprehension, with the "only means of covering the entire Mexican border at reasonably short intervals."

4. A unified system of collection, evaluation, and dissemination of intelligence became necessary in the fight to secure the Mexican border, especially after the "Wet-back" problem became politically charged with intimations

of Communist agents securing entrance to the United States disguised as Mexican migrants.

5. New responsibilities were forced upon the Immigration Border Patrol because of the influx of Mexican migrants into the United States. One important aspect of this great migration was that it created the serious problem of detention in addition to complicating the processes of apprehension and expulsion. Men had to be taken from more routine operations, such as alien apprehension, in order to guard "Wetbacks" already apprehended. Also, this problem of detention created an atmosphere of emergency thus adding an unwelcomed strain upon personnel and creating a situation where voluntary departure had to be used in lieu of formal deportation proceedings even though the former procedure was less effective in preventing the repeater problem.

6. Alien expulsion became a very important, and at times the most important, responsibility of the Immigration Border Patrol. The buslift, trainlift, and airlift were all developed to help the Immigration Border Patrol fulfill its obligation in this matter. Because of the experience gained in these expulsion operations, today the Immigration Border Patrol is returning many of its deportees to their native countries all over the world through its own air operations.

7. Finally, the Mexican contract agricultural

labor importation program was a very important supplementary responsibility of the Immigration Border Patrol, for it provided the American farmer and rancher with an alternative source of manpower thereby removing any life or death dependency upon the Mexican "Wetback" that the American employer might otherwise experience. Today, this program is supplying the American farmer with the needed foreign agricultural labor. When this program functions well the Immigration Border Patrol can fulfill its responsibility for preventing illegal entry into the United States via the Mexican border. However, when this program does not function well this responsibility becomes a very heavy one, in terms of control. The importance of this program lies in the fact that its success depends upon the support of the American employer. Thus, when this program is not functioning properly, it means such support is lacking. And the Immigration Border Patrol cannot fulfill its responsibilities without the support of the American populace residing along the Mexican border.

Now that the effect of increased illegal Mexican migration upon the organization and operations of the United States Immigration Border Patrol, Southwest Region has been specifically outlined certain concluding remarks are in order.

In order to evaluate the organization and operations of the Immigration Border Patrol in terms of the factor of personnel it would require an analysis of the policy-determination process which led to the rather obvious inadequate decision to decrease personnel when the work load of the Immigration Border Patrol had increased so tremendously. However, that is not the purpose of this study. But, the author feels that some justification for such personnel policy should be attempted.

It is believed that what occurred was that between the years 1943 and 1954 it was to the best interest of the American farmers to keep an available supply of "Wetbacks." This was not objected to by other groups in the Southwest Region until 1955 when the number of "Wetbacks" became so great that many State and local governments were seriously overtaxed in terms of the demands being made upon the social services provided by them. The "Wetbacks" became a serious problem for all border towns, therefore influence was brought to bear upon Congress to secure the Mexican border and remove these "Wetbacks" from the United States. Thus, in 1955, an increase in personnel as well as in budget appropriations, made this possible.

In addition, where the record shows that restrictions were placed upon the carrying out of certain

Immigration Border Patrol operations, such as restricting the apprehension of "Wetbacks" to those found unemployed and roaming around on the roads and in the towns and staying off the farms and ranches where the great majority of the "Wetbacks" were to be found, although the Immigration laws of the United States, as well as good administrative principles, dictated just the opposite, deserves comment.

Any over-all evaluation must take into consideration the all-important factor of a policy requiring the Immigration Border Patrol to do their job in a certain way at one time and in an opposite way at another time. The extent to which the Immigration Border Patrol could have handled the "Wetback" problem in its early stages if no policy inconsistencies had existed is difficult to determine. On the other hand, it must be said that certainly the Immigration Border Patrol was equipped from the beginning to prevent the excesses of this migration if policy had permitted any reasonable attempt to meet the problem on a straight-forward basis of securing the Mexican border, which after all was its duty.

Of course, many economic factors need to be surveyed before making any decision as to whether Mexican agricultural laborers were desperately needed and therefore required their importation. However, that is not the

subject of this thesis. All that the author can say on this point is that policy should have been made clear so that the Immigration Border Patrol could have fulfilled its obligations under the law. In other words, the answer to the problem was not to pervert law enforcement in any degree to meet the demands of the American farmer, but to adopt a straight-forward approach such as the Mexican contract agricultural labor importation program.

Administration cannot be held responsible for failures made inevitable by adverse policy decisions. Of course, administration is duty bound to react to a bad situation by doing everything possible to influence the policy-determining body. If, or to what extent this was done, would constitute the basis for another study of the Immigration Border Patrol--one involving the study of the process of policy-determination, which was not within the purview of the present study.

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States, Terminal Island, San Pedro, California,
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Air Operations and Training, United States Border
Patrol, Southwest Region, Terminal Island, San Pedro,
California, August 8, 1956.

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Immigration Inspector, Subversive Investigation
Division, District 16, Los Angeles, California.
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A P P E N D I X

I. COMMISSIONERS OF THE IMMIGRATION AND
NATURALIZATION SERVICE 1924-1957

W. W. Husband	Commissioner General ^a	1924-25
Harry E. Hull	Commissioner General ^a	1925-33
Daniel W. MacCormack	Commissioner General ^a	1933-34
	Commissioner ^b	1934-37
Edward J. Shaughnessy	Acting Commissioner ^b	1937-38
James L. Haughteling	Commissioner ^b	1938-41
Lemuel B. Schofield	Acting Head ^b	1941-42
Earl G. Harrison	Commissioner ^b	1942-45
Ugo Carusi	Commissioner ^b	1945-47
Watson B. Miller	Commissioner ^b	1947-51
Argyle R. Mackey	Commissioner ^b	1951-53
Benjamin G. Habberton	Commissioner ^b	1953-54
Joseph May Swing	Commissioner ^b	1954-57

^aOf the Bureau of Immigration only. Until 1933 there was a separate Bureau of Naturalization with its own head.

^bOf Immigration and Naturalization.

II. OFFICERS OF IMMIGRATION AND NATURALIZATION
SERVICE WHO LOST LIVES IN PERFORMANCE
OF OFFICIAL DUTY

Clarence M. Childress, mounted guard.
At El Paso, Tex., April 16, 1919.

Charles L. Hopkins, mounted guard.
Near Laredo, Tex., May 8, 1919.

Alphonse G. Bernard, immigrant inspector.
Near Campo, Calif., July 11, 1920.

Charles Gardiner, mounted guard.
El Paso, Tex., October 22, 1922.

James McCabe, immigrant inspector.
Detroit, Mich., March 3, 1923.

James F. Mankin, patrol inspector.
Near Laredo, Tex., September 14, 1924.

Frank H. Clark, patrol inspector.
Near El Paso, Tex., December 13, 1924.

Joseph P. Riley, patrol inspector.
Near Eureka, Mont., on April 6, 1925.

Augustin de la Pena, patrol inspector.
At Rio Grande City, Tex., August 2, 1925.

Ross A. Gardiner, patrol inspector.
Near Elsinore, Calif., October 28, 1925.

William W. McKee, patrol inspector.
Near Tucson, Ariz., April 23, 1926.

Lon Parker, patrol inspector.
Near Wills Ranch, Huachuca Mountains, Ariz., July 25,
1926.

Thad Pippin, patrol inspector.
Near Pelea, N. Mex., April 21, 1927.

Franklin P. Wood, patrol inspector.
Near Wyandotte, Mich., December 15, 1927.

Norman G. Ross, patrol inspector.
Near Kane Springs, Calif., February 10, 1928.

Robert B. Lobdell, patrol inspector.
Near Roseau, Minn., December 25, 1928.

Earl A. Roberts, patrol inspector.
Near Algonac, Mich., March 24, 1929.

Benjamin T. Hill, patrol inspector.
El Paso, Tex., May 30, 1929.

Ivan E. Scotten, patrol inspector.
Near San Elizario, Tex., July 20, 1929.

Miles J. Scannel, Sr., patrol inspector.
Near Polvo, Tex., September 9, 1929.

William D. McCalib, patrol inspector.
Alice, Tex., January 7, 1930.

Harry E. Vincent, patrol inspector.
Near Oceanside, Calif., March 25, 1930.

Robert W. Kelsay, Sr., patrol inspector.
Laredo, Tex., June 25, 1930.

Laurence E. Doten, immigrant inspector.
Emo, Ontario, August 24, 1930.

Lawrence C. Jones, immigrant inspector.
Emo, Ontario, August 24, 1930.

Frank Vidmar, patrol inspector.
Niagara Falls, N. Y., March 24, 1932.

Charles F. Inch, patrol inspector.
Detroit, Mich., June 26, 1932.

Philip D. Strobridge, patrol inspector.
Fallbrook, Calif., March 7, 1933.

Doyne C. Melton, patrol inspector.
El Paso, Tex., December 7, 1933.

Bert G. Walthall, patrol inspector.
El Paso, Tex., December 27, 1933.

Charles M. Flachs, immigrant inspector.
Blaine, Wash., May 28, 1936.

Roy M. Porter, immigrant inspector.
Everett, Wash., December 28, 1939.

William L. Sills, patrol inspector.
Near McAllen, Tex., January 17, 1940.

George E. Pringle, patrol inspector.
Near Parker, Ariz., December 28, 1940.

Robert J. Heibler, patrol inspector.
Uvalde, Tex., September 7, 1941.

Ralph W. Ramsey, patrol inspector.
Columbus, N. Mex., February 26, 1942.

Earl F. Fleckiger, patrol inspector.
Calexico, Calif., January 1, 1945.

Ned D. Henderson, autogyro pilot.
Near Sullivan City, Tex., November 18, 1945.

Marion J. Jones, immigrant inspector.
Laredo, Tex., November 1, 1946.

Anthony L. Oneto, patrol inspector.
Near Indio, Calif., March 11, 1947.

Frank E. Chaffin, security officer.
Near Coalinga, Calif., January 28, 1948.

George D. Joyce, security officer.
Honolulu, T.H., January 24, 1949.

Michael T. Box, pilot.
El Paso, Tex., August 29, 1950.

Richard D. Clarke, patrol inspector.
El Paso, Tex., December 18, 1950.

Edwin H. Wheeler, patrol inspector in charge.
Near Mathis, Tex., July 6, 1952.

III. LEGAL MEXICAN IMMIGRATION TO THE UNITED STATES
FOR THE YEARS, 1924-1955

1924	89,336	1940	2,313
1925	32,964	1941	2,824
1926	43,316	1942	2,378
1927	67,721	1943	4,172
1928	59,016	1944	6,598
1929	40,154	1945	6,702
1930	12,703	1946	7,146
1931	3,333	1947	7,558
1932	2,171	1948	8,384
1933	1,936	1949	8,030
1934	1,801	1950	6,744
1935	1,560	1951	6,153
1936	1,716	1952	9,079
1937	7,347	1953	17,183
1938	2,502	1954	30,645
1939	2,640	1955	43,702

Source, 1924-1945: United States Department of Commerce, Bureau of the Census, Historical Statistics of the United States, 1789-1945 (Washington: Government Printing Office, 1949), p. 35.

Source, 1946-1955: United States Department of Commerce, Bureau of the Census, Statistical Abstract of the United States (Washington: Government Printing Office, 1946-1956).

DEPORTABLE MEXICAN ALIENS *Found Working in Industry*

